

EXHIBIT 100 – A

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL : MDL NO. 2804
6 PRESCRIPTION OPIATE :
7 LITIGATION :

7 : CASE NO.
8 THIS DOCUMENT : 1:17-MD-2804
9 RELATES TO ALL CASES: :
10 : Hon. Dan A.
11 : Polster

12 - - -

13 Tuesday, November 27, 2018

14 - - -

15 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
16 CONFIDENTIALITY REVIEW

17 - - -

18 Videotaped deposition of
19 KEVIN KREUTZER, taken pursuant to notice,
20 was held at the law offices of Reed Smith
21 LLP, Three Logan Square, 1717 Arch
22 Street, Suite 3100, Philadelphia,
23 Pennsylvania 19103, beginning at 9:34
24 a.m., on the above date, before Amanda
25 Dee Maslynsky-Miller, a Certified
26 Realtime Reporter.

27 - - -

28 GOLKOW LITIGATION SERVICES
29 877.370.3377 ph | 917.591.5672 fax
30 deps@golkow.com

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 BARON & BUDD, P.C. 4 BY: WILLIAM POWERS, ESQUIRE 5 600 New Hampshire Avenue, N.W. 6 Washington, D.C. 7 (202) 333-4562 8 Wpowers@baronbudd.com 9 - and - 10 11 BY: STERLING CLUFF, ESQUIRE 12 15910 Ventura Boulevard 13 Suite 1600 14 Encino, California 91436 15 (818) 839-2333 16 scluff@baronbudd.com 17 Representing the Plaintiffs 18 19 REED SMITH, LLP 20 BY: ROBERT A. NICHOLAS, ESQUIRE 21 BY: JOSEPH J. MAHADY, ESQUIRE 22 BY: SAMANTHA L. ROCCHINO, ESQUIRE 23 Three Logan Square 24 1717 Arch Street Philadelphia, Pennsylvania 19103 (215) 851-8100 Rnicholas@reedsmith.com Jmahady@reedsmith.com Sroccchino@reedsmith.com Representing the Defendant, Amerisource Bergen Drug Corporation</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES: (Continued) 2 VIA TELEPHONE/LIVESTREAM: 3 4 5 BARTLIT BECK LLP 6 By: SHARON DESH, ESQUIRE 7 Courthouse Place 8 54 West Hubbard Street, Suite 300 9 Chicago, Illinois 60654 10 (312) 494-4400 11 Sharon.desh@bartlit-beck.com 12 Representing the Defendant, 13 Walgreens 14 15 PELINI CAMPBELL & WILLIAMS, LLC 16 BY: ERIC J. WILLIAMS, ESQUIRE 17 8040 Cleveland Avenue NW 18 Suite 400 19 North Canton, Ohio 44720 20 (330) 305-6400 21 ejwilliams@pelini-law.com 22 Representing the Defendant, 23 Prescription Supply, Inc. 24 25 FOX ROTHSCHILD LLP 26 BY: JACOB S. PERSKIE, ESQUIRE 27 1301 Atlantic Avenue 28 Midtown Building, Suite 400 29 Atlantic City New Jersey 08401 30 (609) 348-4515 31 Jperskie@foxrothschild.com 32 Representing the Defendant, 33 Validus Pharmaceuticals 34</p>
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Zach Posen, Trial Technician
Christopher Casalenuovo, AmerisourceBergen

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18 Exhibit-3 Teva MDL A_(0)233-1299-320 223
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20 Question Marked
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24

<p style="text-align: right;">Page 10</p> <p>1 - - -</p> <p>2 (It is hereby stipulated and</p> <p>3 agreed by and among counsel that</p> <p>4 sealing, filing and certification</p> <p>5 are waived; and that all</p> <p>6 objections, except as to the form</p> <p>7 of the question, will be reserved</p> <p>8 until the time of trial.)</p> <p>9 - - -</p> <p>10 VIDEO TECHNICIAN: We are</p> <p>11 now on the record. My name is</p> <p>12 Devyn Mulholland, I'm a</p> <p>13 videographer for Golkow Litigation</p> <p>14 Services. Today's date is</p> <p>15 November 27, 2018. The time is</p> <p>16 9:34 a.m.</p> <p>17 This video deposition is</p> <p>18 being held in Philadelphia,</p> <p>19 Pennsylvania, in the matter of</p> <p>20 National Prescription Opiate</p> <p>21 Litigation. The deponent is Kevin</p> <p>22 Kreutzer.</p> <p>23 Counsel will be noted on the</p> <p>24 stenographic record. The court</p>	<p style="text-align: right;">Page 12</p> <p>1 deposition taken before?</p> <p>2 A. I have not.</p> <p>3 Q. I'm sure that your esteemed</p> <p>4 lawyers have explained sort of the</p> <p>5 deposition protocols for you, so I'm</p> <p>6 going to skip some of the admonitions.</p> <p>7 But just remind you that</p> <p>8 you're under oath, so we need to get</p> <p>9 truthful answers from you.</p> <p>10 And also remind you not to</p> <p>11 disclose any attorney-client privilege,</p> <p>12 and that if you feel like you need to</p> <p>13 discuss with your lawyers about a</p> <p>14 privilege, we can make arrangements for</p> <p>15 that.</p> <p>16 In addition to that, we're</p> <p>17 entitled to your best recollection. If</p> <p>18 you don't recall, you can tell me that.</p> <p>19 And I'd also caution you not to guess at</p> <p>20 an answer. If you don't know, just let</p> <p>21 me know.</p> <p>22 Does that all make sense?</p> <p>23 A. Yes.</p> <p>24 Q. So how long have you worked</p>
<p style="text-align: right;">Page 11</p> <p>1 reporter is Amanda Miller and will</p> <p>2 now swear in the witness.</p> <p>3 - - -</p> <p>4 KEVIN KREUTZER, after having</p> <p>5 been duly sworn, was examined and</p> <p>6 testified as follows:</p> <p>7 - - -</p> <p>8 EXAMINATION</p> <p>9 - - -</p> <p>10 BY MR. CLUFF:</p> <p>11 Q. Good morning, Mr. Kreutzer.</p> <p>12 As I explained earlier, my name is</p> <p>13 Sterling Cluff, I work at a law firm</p> <p>14 called Baron and Budd, and we represent</p> <p>15 the Track 1 plaintiffs in the national</p> <p>16 opiate litigation. And I'll be taking</p> <p>17 your deposition today.</p> <p>18 To start off, could you just</p> <p>19 spell your first and last name for the</p> <p>20 record, so we have a clear record of</p> <p>21 that, please?</p> <p>22 A. Sure. It's K-E-V-I-N. Last</p> <p>23 name is K-R-E-U-T-Z-E-R.</p> <p>24 Q. And have you ever had your</p>	<p style="text-align: right;">Page 13</p> <p>1 for AmerisourceBergen?</p> <p>2 A. Since 2007, so going on 11</p> <p>3 years.</p> <p>4 Q. Has your employment with</p> <p>5 AmerisourceBergen been continuous since</p> <p>6 2007?</p> <p>7 A. It has not.</p> <p>8 Q. When you began with</p> <p>9 Amerisource -- well, when you joined the</p> <p>10 company in 2007, was it AmerisourceBergen</p> <p>11 or was it some previous entity that</p> <p>12 merged into AmerisourceBergen?</p> <p>13 A. It was AmerisourceBergen.</p> <p>14 Q. And what was your title at</p> <p>15 the time that you joined</p> <p>16 AmerisourceBergen?</p> <p>17 A. I believe my title was</p> <p>18 collections associate.</p> <p>19 Q. And do you recall what month</p> <p>20 in 2007 you started with Amerisource?</p> <p>21 A. It was April.</p> <p>22 Q. And you believe your title</p> <p>23 at that time was collections associate?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. Do you recall how long you 2 held that position?</p> <p>3 A. Approximately a year 4 and-a-half.</p> <p>5 Q. So that would have been 6 until approximately the middle of 2009?</p> <p>7 A. I believe so, yes.</p> <p>8 Q. And after you were a 9 collections associate, do you recall what 10 your next position with AmerisourceBergen 11 was?</p> <p>12 A. Yes. It was diversion 13 control specialist.</p> <p>14 Q. And to the best of your 15 recollection, you would have assumed that 16 position in -- some time in 2009?</p> <p>17 A. Yes.</p> <p>18 Q. What position did you -- did 19 your position ever change at 20 AmerisourceBergen after you became a 21 diversion control specialist?</p> <p>22 A. I received a promotion last 23 year to diversion control investigator.</p> <p>24 Q. So that would have been</p>	<p style="text-align: right;">Page 16</p> <p>1 reporting to Mr. Cherveny?</p> <p>2 A. I believe it was 2015.</p> <p>3 Q. At the time you're 4 reporting -- at the time that that change 5 occurred, do you recall why you began 6 reporting to Mr. Cherveny instead of Mr. 7 Hazewski?</p> <p>8 A. I do not.</p> <p>9 Q. Was there any change in your 10 responsibilities after you began 11 reporting to Mr. Cherveny?</p> <p>12 A. No.</p> <p>13 Q. To fast-forward to the 14 change to a diversion control 15 investigator, did you report to anybody 16 in that role?</p> <p>17 A. I'm sorry, could you ask 18 that again?</p> <p>19 Q. Sure. No problem.</p> <p>20 When you were promoted to a 21 diversion control investigator, prior to 22 that time, were you still reporting to 23 Mr. Cherveny?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 15</p> <p>1 2017?</p> <p>2 A. Yes.</p> <p>3 Q. So between 2009 and 2017, 4 leaving out the time when you were 5 employed elsewhere, you were a diversion 6 control specialist?</p> <p>7 A. Yes.</p> <p>8 Q. And what department did you 9 work in as a diversion control 10 specialist?</p> <p>11 A. It was corporate security 12 and regulatory affairs.</p> <p>13 Q. And did you report to anyone 14 in that department?</p> <p>15 A. Yes.</p> <p>16 Q. Who was that?</p> <p>17 A. Ed Hazewski.</p> <p>18 Q. Was it Mr. Hazewski for the 19 entire time you were a diversion control 20 specialist?</p> <p>21 A. No, it was not.</p> <p>22 Q. Who else did you report to?</p> <p>23 A. Eric Cherveny.</p> <p>24 Q. Do you recall when you began</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. And after you were promoted, 2 did you continue to report to Mr. 3 Cherveny?</p> <p>4 A. Yes.</p> <p>5 Q. Was there any change in your 6 job responsibilities when you became a 7 diversion control investigator?</p> <p>8 A. No. They were pretty much 9 the same.</p> <p>10 Q. You said there was a brief 11 interruption in your employment with 12 AmerisourceBergen.</p> <p>13 What happened there?</p> <p>14 A. I applied for a position for 15 Teva Pharmaceuticals.</p> <p>16 Q. When was that?</p> <p>17 A. I started January 7th, I 18 believe, of 2012.</p> <p>19 Q. That's a pretty specific 20 date.</p> <p>21 Is there some reason why 22 that date stands out to you?</p> <p>23 A. I just remember the date.</p> <p>24 Q. What prompted the</p>

<p style="text-align: right;">Page 18</p> <p>1 application to Teva Pharmaceuticals?</p> <p>2 A. It was a brand-new position</p> <p>3 for the company.</p> <p>4 Q. And why did you want to</p> <p>5 apply for that brand-new position?</p> <p>6 A. I thought my skill set</p> <p>7 matched the job requirements.</p> <p>8 Q. What was the -- do you</p> <p>9 recall what the title of the position you</p> <p>10 applied for was?</p> <p>11 A. I believe it was diversion</p> <p>12 operations manager.</p> <p>13 Q. And it was your</p> <p>14 understanding -- or was it your</p> <p>15 understanding, at the time, that Teva</p> <p>16 Pharmaceuticals had never had a diversion</p> <p>17 operations manager before?</p> <p>18 A. That was my understanding.</p> <p>19 Q. During the interview process</p> <p>20 with Teva, did you form an understanding</p> <p>21 as to why Teva Pharmaceuticals was</p> <p>22 creating this new position?</p> <p>23 A. No.</p> <p>24 Q. Did you ask?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. No. No, I don't.</p> <p>2 Q. If later we showed you some</p> <p>3 documents between -- e-mail</p> <p>4 correspondence between you and Ms.</p> <p>5 McGinn, do you think it would refresh</p> <p>6 your recollection about her title and her</p> <p>7 position?</p> <p>8 A. Perhaps.</p> <p>9 Q. Do you recall, when you</p> <p>10 worked at Teva Pharmaceuticals,</p> <p>11 exchanging e-mail correspondence with Ms.</p> <p>12 McGinn?</p> <p>13 A. Yes.</p> <p>14 Q. Did you report directly to</p> <p>15 her at the time?</p> <p>16 A. I did.</p> <p>17 Q. So in January 2012, you</p> <p>18 joined Teva Pharmaceuticals.</p> <p>19 And, if I recall correctly,</p> <p>20 you were applying for the division</p> <p>21 operations manager -- or diversion</p> <p>22 operations manager position, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And did you succeed in</p>
<p style="text-align: right;">Page 19</p> <p>1 A. I'm sure I did, but I don't</p> <p>2 remember the questions that I asked.</p> <p>3 Q. And so looking back today,</p> <p>4 you don't recall if you learned why Teva</p> <p>5 was creating this new position?</p> <p>6 A. I don't know the specifics.</p> <p>7 I don't recall the specifics.</p> <p>8 Q. You said you started on</p> <p>9 January 7th, 2012.</p> <p>10 Do you recall when you would</p> <p>11 have filled out the application, or when</p> <p>12 you began the application process?</p> <p>13 A. I'm not exactly sure. Maybe</p> <p>14 September or October of 2012, or maybe</p> <p>15 that was 2011.</p> <p>16 Q. Do you recall who you met</p> <p>17 with at Teva Pharmaceuticals about this</p> <p>18 new position?</p> <p>19 A. Yes. Colleen McGinn.</p> <p>20 Q. And who is she?</p> <p>21 A. She was my director that I</p> <p>22 would be reporting to.</p> <p>23 Q. Do you recall her -- the</p> <p>24 title of her position?</p>	<p style="text-align: right;">Page 21</p> <p>1 securing that position?</p> <p>2 A. I did.</p> <p>3 Q. And when you began working</p> <p>4 for Teva Pharmaceuticals, was your job</p> <p>5 title the same one that you applied for?</p> <p>6 A. Yes.</p> <p>7 Q. How long were you employed</p> <p>8 with Teva Pharmaceuticals?</p> <p>9 A. Three months.</p> <p>10 Q. Did you say three months?</p> <p>11 A. Yes.</p> <p>12 Q. What happened -- what</p> <p>13 happened when you left Teva</p> <p>14 Pharmaceuticals? Did you go -- what</p> <p>15 happened with your job -- those are all</p> <p>16 bad questions.</p> <p>17 What did you do after those</p> <p>18 three months?</p> <p>19 A. What did I do after those</p> <p>20 three months?</p> <p>21 Q. Yes.</p> <p>22 A. I went back to</p> <p>23 AmerisourceBergen.</p> <p>24 Q. So is it your recollection,</p>

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1 then, that you rejoined AmerisourceBergen
2 in the middle of 2012?
3 A. Yes. Towards the end of
4 April 2012 -- or, no, I'm sorry. 2013 --
5 yes, 2012.
6 Q. 2012.
7 A. Yes.
8 Q. Is it possible that you
9 worked at Teva for a year and three
10 months instead of just three months?
11 A. No.
12 Q. No.
13 Is there a reason why you
14 were considering that possibly you had
15 worked there until 2013?
16 A. Just mixing up the dates.
17 Q. Certainly.
18 So the jobs we've talked
19 about today, between AmerisourceBergen
20 and Teva Pharmaceuticals, is that
21 fully -- have we fully discussed all of
22 the positions you've had with
23 AmerisourceBergen and Teva
24 Pharmaceuticals?

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1 A. Yes.
2 Q. Prior to joining
3 AmerisourceBergen in 2007, were you
4 employed?
5 A. Yes.
6 Q. Where were you employed?
7 A. Wyeth Pharmaceuticals.
8 Q. What is Wyeth?
9 A. Wyeth Pharmaceuticals was a
10 manufacturer of pharmaceutical products.
11 However, they've been sold off and now
12 part of Pfizer.
13 Q. What was your responsibility
14 there, or what was your position?
15 A. I worked for Wyeth
16 Pharmaceuticals for 14 years. I had many
17 different positions there.
18 Q. What's the -- what's the job
19 title -- the earliest job title you can
20 recall?
21 A. Back in 1992, I was a
22 security officer.
23 Q. How long did you hold that
24 position?

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1 A. Approximately a year.
2 Q. And then did your title
3 change at that point?
4 A. I applied for another
5 position in the packaging department.
6 Q. So you applied internally
7 with --
8 A. Internally.
9 Q. -- Wyeth?
10 A. Yes.
11 Q. One thing we should just
12 point out again, and we haven't had a
13 problem with it yet, but we shouldn't
14 talk over each other, to the best of our
15 ability. So I'll do my best to let you
16 finish all of your answers.
17 The only reason is we have
18 to let the court reporter get everything
19 that we're saying, so.
20 A. Sure.
21 Q. I'm reminding myself, just
22 as much as I'm reminding you. Thank you.
23 What was the job title that
24 you applied for in the packaging

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1 department at Wyeth?
2 A. I don't know the exact
3 title. It was packaging operator. I'm
4 not exactly sure. I don't remember --
5 recall.
6 Q. And how long did you hold
7 that position?
8 A. Approximately a year
9 and-a-half.
10 Q. And then what happened?
11 A. And then that department was
12 outsourced to Puerto Rico.
13 Q. Did you go to Puerto Rico?
14 A. I did not.
15 Q. Sorry to hear that.
16 What did you do instead?
17 A. I applied for another
18 position internally in the accounts
19 receivable department.
20 Q. And do you recall what that
21 position was?
22 A. Accounts receivable
23 representative.
24 Q. And how long did you hold

<p style="text-align: right;">Page 26</p> <p>1 that position?</p> <p>2 A. This is only an</p> <p>3 approximation. I received a couple</p> <p>4 promotions in that department. Maybe two</p> <p>5 years, three years tops.</p> <p>6 Q. So you were in the accounts</p> <p>7 receivable department for approximately</p> <p>8 two years, but you had some promotions?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall what those</p> <p>11 promotions were?</p> <p>12 A. It was just a level up, from</p> <p>13 a rep 1 to a rep 2.</p> <p>14 Q. Would your job</p> <p>15 responsibilities essentially have stayed</p> <p>16 the same between rep 1 and rep 2?</p> <p>17 A. Pretty much so, yes.</p> <p>18 Q. And what happened after --</p> <p>19 after the accounts receivable department?</p> <p>20 A. Then I applied for a</p> <p>21 position in the credit department, credit</p> <p>22 and collections.</p> <p>23 Q. Is that the name of the</p> <p>24 department or is that --</p>	<p style="text-align: right;">Page 28</p> <p>1 that credit and collections department,</p> <p>2 is that the reason you applied to</p> <p>3 AmerisourceBergen?</p> <p>4 A. Yes. They closed the entire</p> <p>5 department, and that was outsourced to</p> <p>6 India.</p> <p>7 Q. Did you hold any other</p> <p>8 positions when you were with Wyeth</p> <p>9 Pharmaceuticals?</p> <p>10 A. No.</p> <p>11 Q. Do you know when Wyeth</p> <p>12 Pharmaceuticals was merged into or</p> <p>13 acquired by Pfizer?</p> <p>14 A. I'm not sure of the exact</p> <p>15 year.</p> <p>16 Q. I want to start back at the</p> <p>17 beginning with your job history at Wyeth</p> <p>18 to kind of understand some of your roles</p> <p>19 and responsibilities.</p> <p>20 So I believe you said you</p> <p>21 started in approximately 1992 there,</p> <p>22 "there" being Wyeth, as a security</p> <p>23 officer?</p> <p>24 A. Correct.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. -- the position?</p> <p>3 A. Of the department.</p> <p>4 Q. And what was your title</p> <p>5 there?</p> <p>6 A. Initially, it was a credit</p> <p>7 correspondent.</p> <p>8 Q. How long did you hold that</p> <p>9 position?</p> <p>10 A. I'm not exactly sure. Maybe</p> <p>11 three years.</p> <p>12 Q. And what happened after</p> <p>13 those three years?</p> <p>14 A. And then I received a</p> <p>15 promotion to a credit analyst.</p> <p>16 Q. How long were you a credit</p> <p>17 analyst?</p> <p>18 A. Until the day I left the</p> <p>19 department. Well, the department was</p> <p>20 outsourced, in 2006. Or 2007, I'm sorry.</p> <p>21 Q. And 2007 is when you joined</p> <p>22 AmerisourceBergen?</p> <p>23 A. Yes.</p> <p>24 Q. And is the outsourcing of</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. What was your -- what were</p> <p>2 your responsibilities as a security</p> <p>3 officer?</p> <p>4 A. I conducted rounds of the</p> <p>5 facility. I also greeted everybody as</p> <p>6 they walked into the building. I</p> <p>7 inspected packages as they left the</p> <p>8 building and conducted some</p> <p>9 investigations involving theft.</p> <p>10 Q. So aside from the</p> <p>11 investigations involving theft, it sounds</p> <p>12 like the majority of your responsibility</p> <p>13 as a security officer was, essentially,</p> <p>14 to be a security guard, right?</p> <p>15 A. Pretty much, yes.</p> <p>16 Q. You said -- you referred to</p> <p>17 the facility.</p> <p>18 What was the facility?</p> <p>19 A. The manufacturing site, the</p> <p>20 building. We had, actually, three</p> <p>21 buildings.</p> <p>22 Q. Were you a security officer</p> <p>23 responsible for all three?</p> <p>24 A. For all three.</p>

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1 Q. How did that work out? Let
2 me be more specific.
3 So were you assigned to
4 patrol all three at one time, or some
5 days you were assigned to one facility
6 and other days another facility?
7 A. I was pretty much assigned
8 to all three.
9 Q. So when you were conducting
10 rounds, you would patrol all three
11 facilities?
12 A. Yes.
13 Q. Was there a central desk
14 where people would come in and out of to
15 get into the three facilities?
16 A. Yes.
17 Q. What kind of pharmaceutical
18 products do you recall that Wyeth
19 manufactured?
20 A. Prevnar. There was birth
21 control pills. Penicillin. Those are
22 the three that I recollect the most.
23 Q. Do you recall if Wyeth
24 Pharmaceuticals manufactured any Schedule

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1 II or Schedule III controlled substances?
2 A. I don't recall.
3 Q. Are you familiar with what a
4 Schedule II controlled substance is?
5 A. Yes.
6 Q. And are you familiar with
7 what a Schedule III controlled substance
8 is?
9 A. Yes, in basic -- yeah.
10 Q. So did you understand, at
11 the time you worked at Wyeth
12 Pharmaceuticals, what Schedule II or III
13 controlled substances were?
14 A. No.
15 Q. So if Wyeth had been
16 manufacturing them, you wouldn't have
17 known about it?
18 MR. NICHOLAS: Object to
19 form.
20 Go ahead.
21 THE WITNESS: I may not
22 have.
23 BY MR. CLUFF:
24 Q. So it's possible -- well,

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1 would you agree with me that it's
2 possible Wyeth manufactured controlled
3 substances, you just may not have been
4 aware of it?
5 A. They may have and I'm just
6 not aware.
7 Q. Do you recall if, as a
8 security officer, you received any
9 training about controlled substances?
10 A. No, I did not.
11 Q. Did you have any other
12 responsibilities aside from, you know,
13 conducting the rounds and conducting the
14 investigations at Wyeth as a security
15 officer?
16 A. I don't recall any
17 additional responsibilities.
18 Q. When you mentioned
19 conducting investigations, I believe you
20 referred to it as conducting
21 investigations about theft.
22 Is that accurate?
23 A. Correct.
24 Q. What was your understanding

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1 of that responsibility as a security
2 officer?
3 A. It was involving theft of
4 personnel, associates that had items
5 stolen from their desks or offices.
6 Q. Are you referring to
7 personal items?
8 A. Personal items, yes.
9 Q. So you were not
10 investigating thefts of any of the drugs
11 that Wyeth manufactured?
12 A. No.
13 Q. When you worked at Wyeth
14 Pharmaceuticals as a security
15 investigator, did you receive any
16 training about diversion?
17 A. I did not.
18 Q. I should have asked this
19 question first.
20 Are you familiar with the
21 concept of diversion?
22 A. Yes.
23 Q. But at the time you worked
24 at Wyeth, you did not receive any

<p style="text-align: right;">Page 34</p> <p>1 training about it?</p> <p>2 A. I did not.</p> <p>3 Q. Understood.</p> <p>4 How about suspicious orders;</p> <p>5 were you familiar with the term</p> <p>6 "suspicious orders" when you worked at</p> <p>7 Wyeth?</p> <p>8 A. No.</p> <p>9 Q. You didn't receive any</p> <p>10 training about suspicious orders at</p> <p>11 Wyeth?</p> <p>12 A. I did not.</p> <p>13 Q. You said after about a year</p> <p>14 as a security officer you applied</p> <p>15 internally for a job with the packaging</p> <p>16 department?</p> <p>17 A. Yes.</p> <p>18 Q. And your best recollection</p> <p>19 is that you assumed a position that you</p> <p>20 referred to as a packing operator,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. Would that have been within</p> <p>24 the same facilities where you were a</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. So as a packing operator,</p> <p>2 you were ensuring that the pills were</p> <p>3 placed into their individual packages</p> <p>4 correctly?</p> <p>5 A. Blister packs, yes.</p> <p>6 Q. Did you, as a packing</p> <p>7 operator, ever have any responsibility</p> <p>8 for taking individual packaging and</p> <p>9 putting them into a larger shipment?</p> <p>10 A. Yes.</p> <p>11 Q. What was that process like?</p> <p>12 A. It was -- it was a belt,</p> <p>13 belt-fed line, and we would collect the</p> <p>14 blister packs and place them in the box.</p> <p>15 And then once that box was full, wrap it</p> <p>16 up and put it on a pallet.</p> <p>17 Q. So, essentially, an assembly</p> <p>18 line of packages coming to you that</p> <p>19 you're going to pack into a larger box?</p> <p>20 A. Yes.</p> <p>21 Q. Did you, as part of the</p> <p>22 individual packaging and the larger</p> <p>23 shipment packaging, get any training</p> <p>24 about security related to the manufacture</p>
<p style="text-align: right;">Page 35</p> <p>1 security officer?</p> <p>2 A. Yes.</p> <p>3 Q. And what were your</p> <p>4 responsibilities as a packing officer --</p> <p>5 or operator, excuse me?</p> <p>6 A. I was packaging, I think it</p> <p>7 was mostly birth control pills. And I</p> <p>8 was also a machine operator there as</p> <p>9 well, all in the same department.</p> <p>10 Q. And the department you're</p> <p>11 referring to is the packaging department?</p> <p>12 A. Packaging, yes.</p> <p>13 Q. What's the procedure like</p> <p>14 for packaging drugs at Wyeth, or was it</p> <p>15 like, excuse me?</p> <p>16 MR. NICHOLAS: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: It was just</p> <p>19 ensuring they were color-coded</p> <p>20 pills in different rows, and we</p> <p>21 had to ensure that the pills were</p> <p>22 not cracked or missing, to that</p> <p>23 extent.</p> <p>24 BY MR. CLUFF:</p>	<p style="text-align: right;">Page 37</p> <p>1 of drugs or controlled substances?</p> <p>2 A. No, I don't believe so.</p> <p>3 Q. You mentioned the birth</p> <p>4 control pills.</p> <p>5 Did you ever have</p> <p>6 responsibility for packaging any other</p> <p>7 kinds of products that Wyeth</p> <p>8 manufactured?</p> <p>9 A. Penicillin.</p> <p>10 Q. Did you get any training</p> <p>11 about security related to packaging</p> <p>12 penicillin?</p> <p>13 A. No, I don't believe I did.</p> <p>14 Q. And what was your other job</p> <p>15 responsibility as a packaging operator?</p> <p>16 A. I was also a machine</p> <p>17 operator there as well.</p> <p>18 Q. And what was involved in</p> <p>19 being a machine operator?</p> <p>20 A. Just ensuring that there</p> <p>21 were pills in the hopper so they could be</p> <p>22 fed into blister packs and sent down the</p> <p>23 line.</p> <p>24 Q. What's a hopper?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. It's a pill hopper. It's 2 like a circular -- a cylinder-type object 3 and all the pills are in there and they 4 are fed into the blister packs and made. 5 Q. So it's a large piece of 6 machinery -- 7 A. Yes. 8 Q. -- that pills come into; is 9 that right? 10 A. Yes. 11 Q. And then the pills go 12 through the machine and into the blister 13 packs? 14 A. Correct. And sent down the 15 line, which is belt-fed. 16 Q. And the line out of the bell 17 feed -- or belt feed goes to the people 18 packaging? 19 A. Yes. So there will be 20 approximately three people on each side 21 checking the blister packs. 22 Q. And that was, like you said, 23 to make sure that they weren't cracked or 24 they had been packaged appropriately?</p>	<p style="text-align: right;">Page 40</p> <p>1 your best recollection was that you took 2 on a role that you described as rep 1; is 3 that right? 4 A. Correct. 5 Q. And what was your job 6 responsibility in the accounts receivable 7 department? 8 A. We would receive invoices 9 and -- I believe we would receive mail 10 from the customers with invoices and 11 checks where they were paying for their 12 products. 13 Q. And so what were you doing 14 with the invoices and the checks that you 15 received? 16 A. Entering them into the 17 system. 18 Q. What system was that? 19 A. It was a mainframe system. 20 Q. Was this essentially like a 21 data entry job? 22 A. It was data entry and 23 ensuring that the customers were paying 24 for their invoices. I vaguely remember</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Correct. 2 Q. Did you have any other job 3 responsibilities within the packing 4 department that we haven't discussed? 5 A. I believe that's it. 6 Q. And you worked in the 7 packing department for approximately a 8 year and-a-half, right? 9 A. Approximately a year 10 and-a-half, two years. 11 Q. Before the packing 12 department was outsourced to Puerto Rico, 13 had you considered leaving that 14 department for another department in 15 Wyeth? 16 A. I may have, but I don't 17 recall. 18 Q. So, then, the outsourcing to 19 Puerto Rico, was that the primary reason 20 why you left the packing department? 21 A. I believe so, yes. 22 Q. So after the packing 23 department was outsourced, you went to 24 the accounts receivable department, and</p>	<p style="text-align: right;">Page 41</p> <p>1 the details of this position, since it 2 was so long ago. 3 Q. Did you have any 4 responsibility for pills within the 5 accounts receivable department? 6 A. No. 7 Q. Did you get any training 8 about security while you were in the 9 accounts receivable department? 10 A. No. 11 Q. Did you receive any training 12 about diversion when you were in the 13 accounts receivable department? 14 A. No. 15 Q. Did you receive any training 16 about suspicious orders when you were in 17 the accounts receivable department? 18 A. No. 19 Q. Just circling back to the 20 packing department again, did you receive 21 any training about security when you 22 worked in the packing department? 23 A. No. 24 Q. How about diversion?</p>

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1 A. No.
2 Q. Suspicious orders?
3 A. No.
4 Q. And so back to the accounts
5 receivable, you received a couple of
6 promotions, you said, while you were in
7 accounts receivable; is that right?
8 A. Yes.
9 Q. And I think you referred to
10 those as moving from rep 1 to rep 2; is
11 that right?
12 A. Yes.
13 Q. And were your job
14 responsibilities essentially the same the
15 entire time you were in that department?
16 A. I believe they increased
17 where -- from what I remember, is that I
18 was entering -- it was a cash
19 application, where I was entering the
20 payments of the invoices that the
21 customers made to their accounts.
22 Q. And that's a job
23 responsibility you assumed when you
24 became a rep 2?

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1 A. Yes.
2 Q. And, again, there the
3 responsibility was mainly ensuring the
4 customers were paying their bills?
5 A. Correct.
6 Q. Did you have any
7 responsibility with looking at order
8 forms when you were in the accounts
9 receivable department?
10 A. I don't recall.
11 Q. Is it possible that you did
12 have responsibility for that and just
13 don't recall it?
14 A. I just don't recall.
15 Q. Do you remember the
16 approximate years, not the number of
17 years, but, like, the calendar years that
18 you were in the accounts receivable
19 department?
20 A. I would only be guessing.
21 Q. Was it in -- by your best
22 estimate, would it have been in the late
23 '90s or early 2000s?
24 A. I was thinking maybe mid to

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1 late '90s.
2 Q. And then after the accounts
3 receivable department, you told me that
4 you moved to the credit and collections
5 department; is that accurate?
6 A. Yes.
7 Q. Do you recall what prompted
8 that application?
9 A. It was -- I was just looking
10 to further my career in the company by
11 applying for the position.
12 Q. How did you feel like that
13 would have furthered your career at that
14 point?
15 A. It would give me the
16 opportunity to work more on computers.
17 Q. So at that time, was Wyeth's
18 business operation primarily by paper?
19 A. It was a mix.
20 Q. What was your job title in
21 the credit and collections department?
22 A. Credit correspondent,
23 initially.
24 Q. And what was your

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1 responsibility as a credit correspondent?
2 A. I would have area
3 responsibility, a region within the
4 country, to follow up on customers'
5 invoices where they were past due.
6 Q. So does the word "credit"
7 and "credit correspondent" refer to the
8 fact that you had credited these
9 customers and not been paid yet?
10 A. Yes. They received the
11 products and we have not yet received
12 payment.
13 Q. And how long were you a
14 credit correspondent?
15 A. I just don't remember how
16 long. Two to three years, maybe.
17 Q. And then at that point, you
18 were promoted to a credit analyst,
19 correct?
20 A. Yes. I went back to school
21 and I received my Associate's Degree, and
22 I received that promotion. And I was
23 continuing on in my education.
24 Q. So prior to this time when

<p style="text-align: right;">Page 46</p> <p>1 you received your Associate's Degree, you 2 had not completed a degree after high 3 school? 4 A. I attended college, but I 5 did not fully complete college at that 6 point. 7 Q. Do you remember when you 8 received your Associate's Degree? 9 A. I believe it was 2003. 10 Q. And what was your degree in? 11 A. It was just general studies. 12 Q. And where did you get it 13 from? 14 A. University of Phoenix. 15 Q. Prior to getting the degree 16 from the University of Phoenix, did you 17 attend college classes, you said? 18 A. I did. 19 Q. Do you recall where that 20 was? 21 A. Yes. Community College of 22 Beaver County. 23 Q. Forgive my lack of knowledge 24 about the local area, is Beaver County in</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. And what did you do -- were 2 you working at the time? 3 A. I was working, yes. 4 Q. So what prompted you to go 5 back to school to get the Associate's 6 Degree when you were in the credit and 7 collections department? 8 A. I just realized that in 9 order for me to have a better life, I 10 needed to go back to school and have more 11 career opportunities. 12 Q. Were the classes you took at 13 the University of Phoenix, were they 14 tailored to helping improve your ability 15 to conduct your -- or to fulfill your job 16 responsibilities as a credit analyst? 17 A. It certainly helped. 18 Q. What were your job 19 responsibilities as a credit analyst? 20 A. They were similar to the 21 duties of a credit correspondent, but I 22 had larger accounts to manage. 23 Q. When you discussed the 24 responsibilities as a credit</p>
<p style="text-align: right;">Page 47</p> <p>1 Pennsylvania? 2 A. It's Western PA, outside of 3 Pittsburgh. 4 Q. And what was the name of the 5 community college? 6 A. Community College of Beaver 7 County. 8 Q. Were you a full-time student 9 there or part-time student? 10 A. I believe I was part time. 11 Q. Do you recall how long you 12 were enrolled? 13 A. I believe it was three 14 years, two and-a-half to three years. 15 Q. Do you recall the general 16 time period you were enrolled? 17 A. It was from '84 to '86. 18 Q. And do you recall what you 19 studied? 20 A. Air traffic control. 21 Q. Was there any particular 22 reason why you didn't complete that 23 course of study? 24 A. I decided it was not for me.</p>	<p style="text-align: right;">Page 49</p> <p>1 correspondent, I think you mentioned that 2 you had a region you were responsible 3 for? 4 A. Yes. 5 Q. When you were a credit 6 analyst, were you also responsible for a 7 region? 8 A. Yes. 9 Q. But the accounts were 10 larger? 11 A. The accounts were larger 12 accounts, meaning wholesaler accounts. 13 Q. What's a wholesaler account? 14 A. A wholesaler account would 15 be, for instance, AmerisourceBergen, 16 McKesson, Cardinal, one of those. 17 Q. When you worked at Wyeth, do 18 you recall which wholesaler accounts you 19 were responsible for? 20 A. I also -- I do remember 21 being in charge of the DOD account, as 22 well as -- I was either in charge of the 23 McKesson account or I helped out on the 24 McKesson account, I don't recall which.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. Any other wholesalers you 2 can recall?</p> <p>3 A. No.</p> <p>4 Q. So you didn't work with 5 AmerisourceBergen?</p> <p>6 A. I did not.</p> <p>7 Q. You didn't work with 8 Cardinal Health?</p> <p>9 A. I don't believe so.</p> <p>10 Q. How about HD Smith?</p> <p>11 A. No.</p> <p>12 Q. Bellco?</p> <p>13 A. No.</p> <p>14 Q. And just so the record is 15 clear, is it you do not recall working 16 for those wholesalers -- with those 17 wholesalers or you're telling me you did 18 not?</p> <p>19 A. I don't believe I have 20 worked with those wholesalers.</p> <p>21 Q. Understood. Thank you. 22 And even though you assumed 23 larger accounts, was the responsibility 24 still to work with those accounts to make</p>	<p style="text-align: right;">Page 52</p> <p>1 higher?</p> <p>2 A. I don't recall that.</p> <p>3 Q. Do you recall if Wyeth ever 4 offered discounts to wholesalers for 5 receiving chargeback data?</p> <p>6 A. I don't recall that either.</p> <p>7 Q. Do you understand that term, 8 "chargeback data"?</p> <p>9 A. No, I really don't, because 10 I wasn't part of that, that area.</p> <p>11 Q. Just for clarity, are you 12 telling me that at the time you worked at 13 Wyeth you would not have understood what 14 chargeback data is?</p> <p>15 A. That is correct. Because I 16 believe that was a separate department 17 that I wasn't involved in.</p> <p>18 Q. And then currently do you 19 have an understanding of what chargeback 20 data is?</p> <p>21 A. I really do not. I don't 22 understand the full definition.</p> <p>23 Q. Do you recall who you -- 24 what individuals you would have worked</p>
<p style="text-align: right;">Page 51</p> <p>1 sure they paid their invoices?</p> <p>2 A. Paid their invoices. And if 3 there were any deductions that they took, 4 I had to help resolve those situations in 5 working with the account.</p> <p>6 Q. You mentioned they took 7 deductions --</p> <p>8 A. Meaning the accounts.</p> <p>9 Q. So the accounts would have 10 been the wholesalers or the DOD or any of 11 the smaller accounts that you worked 12 with?</p> <p>13 A. That's correct.</p> <p>14 Q. What form of deductions 15 would they have been taking on their 16 invoices?</p> <p>17 A. It could have been any form; 18 it could have been a 2 percent discount 19 that we offered if they paid their 20 invoice ahead of time or any other 21 reason.</p> <p>22 Q. Do you know if Wyeth ever 23 offered discounts to wholesalers if the 24 volume of their purchasing from Wyeth was</p>	<p style="text-align: right;">Page 53</p> <p>1 with at McKesson when you were a credit 2 analyst?</p> <p>3 A. No.</p> <p>4 Q. Do you recall what 5 department you would have been working 6 with at McKesson?</p> <p>7 A. I don't recall the specific 8 department.</p> <p>9 Q. So eventually this credit 10 department at Wyeth was outsourced to 11 India, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And your recollection was 14 that was approximately 2006 or 2007?</p> <p>15 A. That was 2007.</p> <p>16 Q. When did you apply -- or do 17 you recall when you applied for the 18 position at AmerisourceBergen?</p> <p>19 A. I don't recall exactly when 20 I applied, but I know the day that I had 21 the interview for AmerisourceBergen.</p> <p>22 Q. You recall the date when you 23 had the interview?</p> <p>24 A. It was literally three days</p>

<p style="text-align: right;">Page 54</p> <p>1 after I was let go from Wyeth 2 Pharmaceuticals. 3 Q. What day was that? 4 A. That was -- I believe that 5 was March 30th of 2007. 6 Q. And is that the day you were 7 let go or the date of the interview? 8 A. That was the date I was let 9 go, the whole department was let go. 10 Q. And so you would have 11 interviewed approximately three days 12 later? 13 A. Yes. 14 Q. And do you recall who you 15 met with when you interviewed? 16 A. Yes. His name was Harry 17 Chamberlain. 18 Q. Do you recall his job 19 position? 20 A. I don't know -- I don't 21 remember his exact title, but he was the 22 director of, maybe, collections. 23 Q. Would he have been the 24 person to whom you reported in the</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. At AmerisourceBergen? 2 A. Oh, I'm sorry. I was going 3 back to Wyeth. 4 At AmerisourceBergen, I 5 believe it was collections associate, 6 yes. 7 Q. And was that in the 8 collections department -- 9 A. Yes. 10 Q. -- or did it have a 11 different name? 12 A. I don't recall it had a 13 different name. 14 Q. And how long were you a 15 collections associate in the collections 16 department? 17 A. Approximately a year 18 and-a-half. 19 Q. And what were your job 20 responsibilities? 21 A. I was in charge of the 22 similar duties that I had at Wyeth 23 Pharmaceuticals, ensuring customers were 24 paying their invoices on time.</p>
<p style="text-align: right;">Page 55</p> <p>1 collections department when you worked at 2 Amerisource? 3 A. Initially, yes. 4 Q. Did you report to somebody 5 else when you were a collections 6 associate at Amerisource? 7 A. I did. 8 Q. Who was that? 9 A. Her name was Ann Marie 10 Duran. 11 Q. Do you recall her job 12 position? 13 A. Similar to Harry's. 14 Q. Essentially, a director of 15 that collections department? 16 A. Yes. 17 Q. When we went through your 18 employment history at AmerisourceBergen, 19 I think you said your best recollection 20 was that your title in that collections 21 department was a collections associate? 22 A. In credit collections, it 23 was initially credit correspondent and 24 then a credit analyst.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Anything else? 2 A. Running statements for 3 customers, monthly statements. 4 Q. What does that mean? 5 A. I believe it was the 1st of 6 the month, we would run statements of, I 7 believe, it was customers' purchases. 8 Q. What was the purpose of 9 running statements of purchases for 10 customers? 11 A. Those customers would 12 request statements from us on a monthly 13 basis. 14 Q. Do you recall why they would 15 request those statements? 16 A. I do not. 17 Q. In your work as a 18 collections associate, did you ever, as 19 part of your responsibilities, have to 20 review order forms from 21 AmerisourceBergen's customers? 22 A. I do not recall. 23 But going back to Wyeth 24 Pharmaceuticals, I did review customer</p>

<p style="text-align: right;">Page 58</p> <p>1 orders for customers.</p> <p>2 Q. In what role at Wyeth were</p> <p>3 you reviewing invoices from -- or</p> <p>4 purchase orders from customers?</p> <p>5 A. It was based on their credit</p> <p>6 standing with us.</p> <p>7 Q. What position did you hold</p> <p>8 at Wyeth when you were reviewing the</p> <p>9 order forms from customers?</p> <p>10 A. It was the credit analyst</p> <p>11 role.</p> <p>12 Q. And you said "it was based</p> <p>13 on their credit standing with us."</p> <p>14 What does that mean?</p> <p>15 A. I don't fully recollect the</p> <p>16 details of that, but it was based on</p> <p>17 their payment history with Wyeth</p> <p>18 Pharmaceuticals.</p> <p>19 Q. So the purpose for you</p> <p>20 looking at an order form from a customer</p> <p>21 would be to analyze their payment history</p> <p>22 and credit standing with Wyeth?</p> <p>23 A. Correct.</p> <p>24 Q. So not to look at what they</p>	<p style="text-align: right;">Page 60</p> <p>1 A. For which role? For which</p> <p>2 position?</p> <p>3 Q. When you were a collection</p> <p>4 associate at AmerisourceBergen.</p> <p>5 A. No.</p> <p>6 Q. Did you receive any training</p> <p>7 about diversion?</p> <p>8 A. No.</p> <p>9 Q. Did you receive any training</p> <p>10 about suspicious orders?</p> <p>11 A. No.</p> <p>12 Q. Did you have any</p> <p>13 responsibility for monitoring for</p> <p>14 diversion when you were a collections</p> <p>15 associate?</p> <p>16 A. No.</p> <p>17 Q. Did you have any</p> <p>18 responsibility for identifying suspicious</p> <p>19 orders when you were a collections</p> <p>20 associate?</p> <p>21 A. No.</p> <p>22 Q. Just to make sure I</p> <p>23 understand, no training and no</p> <p>24 responsibility, correct?</p>
<p style="text-align: right;">Page 59</p> <p>1 were ordering; is that right?</p> <p>2 A. I do remember looking at</p> <p>3 what they were ordering. But, again, it</p> <p>4 was based on their credit history.</p> <p>5 Q. And do you recall looking at</p> <p>6 any customer order forms when you worked</p> <p>7 as a collections associate at</p> <p>8 AmerisourceBergen?</p> <p>9 A. I do not remember.</p> <p>10 Q. When you were a collections</p> <p>11 associate at AmerisourceBergen, did you</p> <p>12 have an understanding of what diversion</p> <p>13 was?</p> <p>14 A. At that time, no.</p> <p>15 Q. And at that time, when you</p> <p>16 were a collections associate at</p> <p>17 AmerisourceBergen, did you have an</p> <p>18 understanding of what a suspicious order</p> <p>19 is, or was?</p> <p>20 A. No.</p> <p>21 Q. When you were a collections</p> <p>22 associate at AmerisourceBergen, did you</p> <p>23 ever receive any training about security</p> <p>24 around controlled substances?</p>	<p style="text-align: right;">Page 61</p> <p>1 A. For that role, yes, correct.</p> <p>2 Q. So after working at</p> <p>3 AmerisourceBergen as a collections</p> <p>4 associate for approximately a year</p> <p>5 and-a-half to two years, you moved into</p> <p>6 the position of a diversion control</p> <p>7 specialist?</p> <p>8 A. Correct.</p> <p>9 Q. Do you recall what prompted</p> <p>10 that change in your employment?</p> <p>11 A. Just like other roles that I</p> <p>12 have had over my career, just looking to</p> <p>13 further my knowledge in a different job</p> <p>14 position.</p> <p>15 Q. Did you apply for that</p> <p>16 position?</p> <p>17 A. I did.</p> <p>18 Q. What was the application</p> <p>19 process like?</p> <p>20 A. It was filling out an</p> <p>21 application form online.</p> <p>22 Q. When you say "online," do</p> <p>23 you mean on the Internet?</p> <p>24 A. Inner-company web.</p>

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1 Q. So like an AmerisourceBergen
2 intranet?
3 A. Yes.
4 Q. Do you recall what the
5 application was like?
6 A. I do not.
7 Q. Do you recall any
8 qualifications that AmerisourceBergen
9 wanted applicants to have for that
10 position?
11 A. I don't recall.
12 Q. Do you recall if there were
13 any educational requirements?
14 A. I do not.
15 Q. Do you recall if there were
16 any experience requirements?
17 A. I do not recall.
18 Q. Was there an interview
19 process for the diversion control
20 specialist position?
21 A. There was.
22 Q. What was the interview
23 process like?
24 A. It was meeting with Ed

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1 Hazewski.
2 Q. Anybody else?
3 A. And I also met with Chris
4 Zimmerman.
5 Q. Did you meet with Ed and
6 Chris together or separately?
7 A. Separately.
8 Q. Were those meetings on the
9 same day or subsequent days?
10 A. Same day.
11 Q. Were there any other
12 interviews besides with Ed and Chris?
13 A. I don't believe so, no.
14 Q. Do you recall, at the time,
15 what Ed Hazewski's position was?
16 A. I believe it was diversion
17 control manager.
18 Q. Do you have -- did you have
19 an understanding, at the time, of why you
20 were meeting with Ed for that position?
21 A. To apply for the position.
22 Q. Was he going to be your
23 direct supervisor in that position?
24 A. He would be.

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1 Q. Do you understand why you
2 were meeting with Chris Zimmerman?
3 A. Yes.
4 Q. Why was that?
5 A. My understanding is that Ed
6 wanted a second opinion, so he asked
7 Chris Zimmerman to also interview me.
8 Q. Do you know if
9 AmerisourceBergen posted this diversion
10 control specialist job outside of
11 AmerisourceBergen?
12 A. I do not know.
13 Q. Did you -- did you, at any
14 time after you interviewed for that
15 position, learn whether AmerisourceBergen
16 was hiring people from outside of the
17 company?
18 A. I do not recall.
19 Q. During the interviews with
20 Ed -- or the interview with Ed, did they
21 ask you about your educational
22 background?
23 A. He may have, but I don't
24 remember.

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1 Q. Do you recall if it was a
2 concern that you did not have more than
3 an Associate's Degree?
4 A. I do have more than an
5 Associate's Degree.
6 Q. Sorry. Please forgive me.
7 Can you -- let's back up
8 right there, and you can tell me, what
9 further education have you received after
10 the Associate's Degree?
11 A. I completed my Bachelor's
12 Degree in 2006.
13 Q. So you completed your
14 Bachelor's Degree before applying for the
15 diversion control job?
16 A. Yes.
17 Q. And what is your Bachelor's
18 Degree in?
19 A. Management.
20 Q. Any particular kind of
21 management?
22 A. No. It was management.
23 Q. And where did you complete
24 your Bachelor's Degree?

<p style="text-align: right;">Page 66</p> <p>1 A. University of Phoenix. And 2 I also took one class towards my 3 Master's. 4 Q. What was that class? 5 A. That, I don't remember. 6 Q. Do you recall what 7 institution you took it through? 8 A. University of Phoenix. 9 Q. What were you intending to 10 get a Master's in? 11 A. Business. 12 Q. Would that have been like a 13 Master's in business administration or 14 business management? 15 A. Something like that, yes. 16 Q. Is there any particular 17 reason why you didn't complete your 18 Master's? 19 A. No particular reason. 20 Q. Going back to the interview 21 with Mr. Hazewski, did he ever ask you 22 questions about your experience with 23 controlled substances? 24 A. I don't recall that</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Do you recall if he may have 2 used the word "excessive purchase 3 orders"? 4 A. That, I don't remember. 5 Q. The word "order of 6 interest," do you recall him using that 7 word, or is that a word you're using 8 today -- 9 A. That's -- 10 Q. -- to describe -- 11 A. Sorry. 12 Q. Is that a word you're using 13 today to describe the subject you 14 discussed back then? 15 A. Yes. 16 Q. But it's not the words that 17 he would have used back then? 18 MR. NICHOLAS: Object to 19 form. 20 Go ahead. 21 THE WITNESS: Possibly. 22 BY MR. CLUFF: 23 Q. Was there anything else that 24 he told you about the role of diversion</p>
<p style="text-align: right;">Page 67</p> <p>1 question. 2 Q. Did he ask you any questions 3 about your experience with diversion or 4 monitoring for diversion? 5 A. I don't recall. 6 Q. Do you recall if Mr. 7 Hazewski asked you any questions about 8 your experience with suspicious orders or 9 monitoring for suspicious orders? 10 A. No. But we did discuss the 11 nature of the position. 12 Q. What was that discussion 13 like? 14 A. It was just he was telling 15 me about the role of the position that 16 I'm applying for. 17 Q. What did he tell you about 18 the role? 19 A. That I would be reviewing 20 orders of interest. 21 Q. Did he use the word "order 22 of interest" or did he use the word 23 "suspicious orders"? 24 A. I don't recall.</p>	<p style="text-align: right;">Page 69</p> <p>1 control specialist? 2 A. I do recall talking about 3 spreadsheets. 4 Q. What about spreadsheets? 5 A. Just my knowledge of working 6 with Excel. 7 Q. Did you have a working 8 knowledge of Excel? 9 A. I had a basic understanding. 10 Q. What did he tell you about 11 working with spreadsheets in this new 12 role as a diversion control specialist? 13 A. I don't recall the details. 14 Q. But he told you you would 15 essentially need to work with Excel 16 spreadsheets? 17 A. Right. 18 Q. We discussed your work at 19 Wyeth in pretty substantial detail, and I 20 think we agreed that you did not have any 21 experience or training at Wyeth about 22 diversion or suspicious order monitoring; 23 is that right? 24 A. Correct.</p>

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1 Q. Did that topic come up
2 during your interview with Mr. Hazewski?
3 A. My recollection is that I
4 did inform him that I did review orders
5 when I was a credit analyst at Wyeth.
6 Q. When you were at Wyeth and
7 you reviewed orders, it was to make sure
8 that Wyeth was getting paid, correct?
9 A. When I was reviewing orders,
10 those -- the decision-making was based on
11 their credit risk with the company.
12 Q. So what was the purpose of
13 the review of the orders at Wyeth?
14 A. My understanding is that it
15 was to review those orders; if the
16 credit -- if the customer had a bad
17 credit history with Wyeth
18 Pharmaceuticals, that those orders would
19 not be released. That's my recollection.
20 Q. So when you reviewed orders
21 at Wyeth, you were not reviewing them to
22 determine whether or not they were
23 suspicious?
24 A. I believe so.

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1 Q. But that is the role you
2 were going to take on at
3 AmerisourceBergen as a diversion control
4 specialist, correct?
5 A. Correct.
6 Q. Did Mr. Hazewski express any
7 concern that you did not have any
8 experience reviewing orders to determine
9 whether or not they were suspicious?
10 A. I don't recall.
11 Q. Do you recall if Mr.
12 Hazewski was looking for somebody with
13 experience in reviewing orders for -- to
14 determine whether or not they were
15 suspicious?
16 A. He didn't inform me, no.
17 Q. Do you know why
18 AmerisourceBergen was hiring additional
19 diversion control specialists at that
20 time in 2007?
21 A. I don't know the specific
22 reasons.
23 Q. I said 2007, that was
24 incorrect.

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1 I think you applied for that
2 position in 2009, correct?
3 A. Correct.
4 Q. I'll just re-ask the
5 question so it's clear.
6 Did you have an
7 understanding of why AmerisourceBergen
8 was hiring more division -- diversion
9 control specialists in 2009?
10 A. I don't recall.
11 Q. When you met with Mr.
12 Zimmerman, do you recall what kind of
13 questions he asked you?
14 A. No.
15 Q. Did you talk about your
16 education?
17 A. I don't recall the substance
18 that we --
19 Q. Do you recall --
20 A. -- the subjects we talked
21 about.
22 Q. Do you recall if you talked
23 with Mr. Zimmerman about your experience
24 monitoring for suspicious orders?

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1 A. I don't recall.
2 Q. Do you recall if he had any
3 concern that you did not have any prior
4 experience monitoring for suspicious
5 orders?
6 A. No, I do not.
7 Q. What happened after you met
8 with Mr. Hazewski and Mr. Zimmerman?
9 A. I believe within
10 approximately a week I was informed by
11 human resources that I was being offered
12 the position.
13 Q. So it was a one-day
14 interview process, and then you were
15 hired a week later?
16 A. Yes.
17 Q. Do you recall how long after
18 you were informed by HR that you assumed
19 your new responsibilities as a diversion
20 control specialist?
21 A. I believe it was two weeks.
22 Q. Did you receive any training
23 before you started your new job?
24 A. I trained when I started my

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1 new job.
 2 Q. What happened in the two
 3 weeks between when HR let you know you
 4 were getting the job and you started the
 5 job?
 6 A. I had to put in my two
 7 weeks' notice with my position.
 8 Q. And then you essentially
 9 just wrapped up that position and started
 10 the new one?
 11 A. Yes.
 12 Q. And you said you trained on
 13 the job, correct?
 14 A. Yes.
 15 Q. What was that training like?
 16 A. The training was going over
 17 customer orders with Ed.
 18 Q. Did you ever, like, receive
 19 any written materials or policies and
 20 procedures or PowerPoints?
 21 A. I'm sure there were, but I
 22 just don't -- just don't recall at the
 23 moment.
 24 Q. What you do recall is sort

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1 of hands-on training directly with Ed
 2 Hazewski?
 3 A. That is correct.
 4 Q. And you said you recall
 5 looking at customer orders.
 6 How would you have done
 7 that?
 8 A. I would look at those orders
 9 individually through the system that we
 10 were using.
 11 Q. So that we can kind of
 12 understand what the training process was
 13 like, I'd like to back up and understand
 14 what the order process was like from your
 15 viewpoint.
 16 So AmerisourceBergen has
 17 customers, correct?
 18 A. Yes.
 19 Q. And there's some way that
 20 they place orders with AmerisourceBergen?
 21 A. Yes.
 22 Q. What was your understanding,
 23 in 2009, as a diversion control
 24 specialist, of how customers placed

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1 orders with AmerisourceBergen?
 2 A. My understanding at the time
 3 is that the customers would place orders
 4 through -- I believe it was CSOS and 222
 5 forms.
 6 Q. What is CSOS?
 7 A. CSOS is controlled substance
 8 ordering system.
 9 Q. And what's a 222 form?
 10 A. A 222 form is a DEA form
 11 that has the customer's name, DEA
 12 license, as well as the items that
 13 they're ordering.
 14 Q. Is the CSOS system just an
 15 electronic form of the 222 form?
 16 A. It is.
 17 Q. So it has all the same
 18 information that a 222 form would have?
 19 A. My understanding is that
 20 yes, that is correct.
 21 Q. And is it your recollection
 22 that in 2009 the CSOS system was already
 23 operational?
 24 A. I don't recall.

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1 Q. But at some time it did
 2 become --
 3 A. Yes.
 4 Q. When you were training on
 5 the job with Ed Hazewski, do you recall
 6 if you looked at 222 forms?
 7 A. We did not. The 222 forms
 8 go through the distribution centers.
 9 Q. So a customer would fill out
 10 a 222 form and send it to the
 11 distribution center?
 12 A. Yes.
 13 Q. And then how would -- how
 14 would the order come to you and Ed
 15 Hazewski for review?
 16 A. I don't recall the actual
 17 steps.
 18 Q. So, then, what were you
 19 reviewing when you were working with Ed
 20 Hazewski to start your training for this
 21 new job?
 22 A. It was all the customer
 23 orders that were currently in the system
 24 to be reviewed.

<p style="text-align: right;">Page 78</p> <p>1 Q. Do you recall if you were 2 looking at them in an Excel spreadsheet, 3 or some other form? 4 A. No, I don't recall. 5 Q. What were you looking for, 6 or what was Ed Hazewski showing you to 7 look for when you were training? 8 A. My recollection is that we 9 were looking at the product that they 10 were ordering, as well as the quantity 11 that they were ordering. 12 Q. And what were you trying to 13 determine when you were looking at the 14 product and the quantity? 15 A. To see if they were ordering 16 within their current purchase history. 17 Q. When you were training with 18 Ed, did he ever explain the concept of 19 diversion to you? 20 A. Yes. 21 Q. What did he explain? 22 A. It was where the -- any 23 pharmaceutical products being diverted to 24 another individual for illicit purposes.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Was it your role to help 2 AmerisourceBergen prevent diversion? 3 MR. NICHOLAS: Object to 4 form. 5 THE WITNESS: Can you ask 6 that question again? 7 BY MR. CLUFF: 8 Q. Sure. I'll ask it two 9 different ways. 10 When you became a diversion 11 control specialist, did you understand 12 that your job was to help 13 AmerisourceBergen prevent diversion? 14 A. No. 15 Q. AmerisourceBergen doesn't 16 want to prevent diversion? 17 MR. NICHOLAS: Object to the 18 form. 19 THE WITNESS: I didn't say 20 that. 21 BY MR. CLUFF: 22 Q. I'm asking. 23 A. We have a system in place 24 that detects orders of interest, and</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. You used the word "diverted" 2 to help define diversion, and I'm okay 3 with that. 4 But I'm just trying to 5 understand, like, what does diversion 6 mean? Does that mean it's going out of 7 the regular supply chain? 8 A. Supply chain, yes. 9 Q. Did Ed tell you why the word 10 "diversion" mattered in your diversion 11 specialist role? 12 A. He may have, but I just 13 don't recall. 14 Q. What was your understanding 15 of why diversion was important in your -- 16 in your role? 17 A. My understanding, at the 18 time, was that pharmacies who were 19 ordering -- licensed pharmacies that are 20 ordering products are receiving those 21 products and not sending them to any 22 other individual for illicit purposes; 23 that they are only supposed to go to the 24 patient who has the prescription.</p>	<p style="text-align: right;">Page 81</p> <p>1 those orders of interest are reviewed 2 based on the current systems that we have 3 in place. 4 Q. When you started as a 5 diversion control specialist, did anybody 6 discuss the Controlled Substances Act 7 with you? 8 A. I don't recall. 9 Q. Would anybody have discussed 10 the regulations that AmerisourceBergen 11 obtains -- scratch that. 12 Did anybody discuss 13 regulations that AmerisourceBergen has to 14 comply with in relation to wholesale 15 distribution? 16 A. Yes. 17 Q. What did they tell you about 18 those regulations? 19 A. It was a DEA 21 CFR FDA 20 regulation. 21 Q. And that was explained to 22 you when you started training for a 23 diversion control specialist job? 24 A. Yes.</p>

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1 Q. What did they explain to you
2 about 21 CFR regulations?
3 A. Well, they showed me the
4 regulation.
5 Q. Which ones?
6 A. It was the 21 CFR. I don't
7 recall the exact number.
8 Q. What did they tell you about
9 those regulations?
10 A. It was regarding that
11 suppliers have to have an order
12 monitoring system in place that detects
13 orders of unusual quantities, frequencies
14 and pattern.
15 Q. Did they explain to you what
16 a suspicious order was when you started
17 as a diversion control specialist?
18 A. I don't recall.
19 Q. In your time working for
20 AmerisourceBergen, has anybody explained
21 to you what a suspicious order is?
22 A. Yes.
23 Q. What is it?
24 A. A suspicious order is

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1 initially an order of interest, but after
2 investigation, it is then determined
3 whether that order is suspicious or not.
4 If it is suspicious, that
5 order is rejected and reported to the
6 DEA.
7 Q. Is that your understanding
8 of a suspicious order today? Let me make
9 my question a little more clear.
10 Do you know whether this DEA
11 21 CFR regulation defines a suspicious
12 order?
13 A. Yes.
14 Q. Do you know what the
15 regulations define a suspicious order to
16 be?
17 MR. NICHOLAS: Object to the
18 form.
19 THE WITNESS: I did state
20 that earlier.
21 BY MR. CLUFF:
22 Q. What is the definition of a
23 suspicious order in the CFR?
24 MR. NICHOLAS: Same

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1 objection.
2 Go ahead.
3 THE WITNESS: That is a
4 wholesaler needs to have a system
5 in place that monitors orders of
6 unusual size, frequency and
7 pattern.
8 BY MR. CLUFF:
9 Q. So would you agree with me,
10 then, that the CFR defines a suspicious
11 order as one of unusual size, frequency
12 and pattern?
13 MR. NICHOLAS: Object to the
14 form.
15 THE WITNESS: To an extent,
16 yes, from what I recollect.
17 BY MR. CLUFF:
18 Q. How does AmerisourceBergen
19 define an order of interest?
20 MR. NICHOLAS: Object to the
21 form. He's not --
22 BY MR. CLUFF:
23 Q. Based on your --
24 MR. NICHOLAS: He's not

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1 here --
2 MR. CLUFF: I'm sorry, Bob,
3 I didn't mean to talk over your
4 objection.
5 MR. NICHOLAS: I was going
6 to say, object to the form. This
7 is not a 30(b)(6) deposition.
8 Go ahead.
9 BY MR. CLUFF:
10 Q. You've worked with
11 AmerisourceBergen for a number of years,
12 correct?
13 A. Yes.
14 Q. And you were responsible --
15 well, your position was a diversion
16 control specialist?
17 A. Yes.
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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21 Q. So, essentially, orders of
22 interest, in your experience at
23 AmerisourceBergen, match the definition
24 of suspicious order in the Code of

Category	Percentage
1	45%
2	85%
3	15%
4	80%
5	90%
6	70%
7	15%
8	65%
9	10%
10	85%
11	95%
12	90%
13	85%
14	10%
15	95%
16	45%
17	15%
18	70%
19	85%
20	98%
21	15%
22	88%
23	10%

21 BY MR. CLUFF:

22 Q. And we discussed earlier
23 that the Code of Federal Regulations
24 defines suspicious orders as orders of

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¹ Regulations?

2 MR. NICHOLAS: Object to the
3 form.

4 THE WITNESS: It's a system
5 we have in place for orders of
6 interest that we investigate
7 individually to determine if that
8 order is suspicious or not.

9 BY MR. CLUFF:

[illegible]

- ¹ unusual size, frequency and pattern,
- ² correct?

3 MR. NICHOLAS: Object to the
4 form.

5 THE WITNESS: Yes.

6 BY MR. CLUFF:

Row	Bar Length (approx. % of total width)
1	85
2	95
3	80
4	98
5	75
6	100
7	95
8	10
9	25
10	75
11	45
12	80
13	88
14	85
15	60

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Response	Percentage
U.S. should take more action	15%
U.S. should take more action	25%
U.S. should take more action	35%
U.S. should take more action	45%
U.S. should take more action	55%
U.S. should take more action	65%
U.S. should take more action	75%
U.S. should take more action	85%
U.S. should take less action	15%
U.S. should take less action	25%
U.S. should take less action	35%
U.S. should take less action	45%
U.S. should take less action	55%
U.S. should take less action	65%
U.S. should take less action	75%
U.S. should take less action	85%

17 BY MR. CLUFF:

18 Q. And that's the same way that
19 the Code of Federal Regulations defines a
20 suspicious order, right?

21 MR. NICHOLAS: Object to the
22 form.

23 THE WITNESS: It's not
24 necessarily a suspicious order,

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¹ it's an order of interest.

² BY MR. CLUFF:

3 Q. Does the word "order of
4 interest" appear anywhere in the Code of
5 Federal Regulations that you're aware of?

6 MR. NICHOLAS: Well, object
7 to form. He's not a lawyer. He
8 hasn't read the entire --

9 THE WITNESS: No.

10 MR. NICHOLAS: -- statute.

11 But go ahead.

12 BY MR. CLUFF:

[illegible]

Category	Percentage
Very important	45%
Important	35%
Not important	15%
Don't know	5%

7 Q. Do you recall ever being
8 trained about what an order of interest
9 is?

10 A. Yes.

11 Q. Do you recall when that was?

12 A. I do not recall the year.

13 Q. If you were to estimate,
14 would you say it was before or after you
15 worked at Teva?

16 A. I don't recall.

17 Q. When you were training with
18 Ed Hazewski after you started this
19 position, was he training you about
20 suspicious orders?

21 A. He was training me on order
22 review.

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Category	Percentage
1. Very important	45%
2. Important	35%
3. Not important	15%
4. Don't know	5%


6 Q. So essentially the same
7 definition of a suspicious order that we
8 talked about in the Code of Federal
9 Regulations?

10 MR. NICHOLAS: Object to the
11 form.

12 Go ahead.

13 THE WITNESS: Just orders of
14 unusual size, quantity and
15 frequency, yes.

16 BY MR. CLUFF:



Response	Percentage
U.S. should take action to address climate change	95%
U.S. should not take action to address climate change	5%

Page 94

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 A. Yes.
18 Q. Why were you reviewing
19 orders to determine whether they were
20 suspicious?
21 A. That was part of the
22 training that Ed indicated to me.
23 Q. Is there any other reason?
24 A. And also it's part of the

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1 DEA regulation.
2 Q. Did Mr. Hazewski explain,
3 during your training, that wholesalers
4 like AmerisourceBergen have a regulatory
5 requirement that they maintain a system
6 to prevent diversion?
7 MR. NICHOLAS: Object to the
8 form.
9 THE WITNESS: Could you ask
10 that question again, please?
11 BY MR. CLUFF:
12 Q. Sure.
13 While you were training for
14 this new position as a diversion control
15 specialist, did Mr. Hazewski explain to
16 you that wholesalers like
17 AmerisourceBergen have a regulatory
18 requirement to maintain a system to
19 prevent diversion?
20 MR. NICHOLAS: Object to the
21 form.
22 THE WITNESS: No.
23 BY MR. CLUFF:
24 Q. Has Mr. Hazewski ever

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1 explained to you that AmerisourceBergen
2 has a regulatory obligation to maintain a
3 system to prevent diversion?
4 MR. NICHOLAS: Same
5 objection.
6 THE WITNESS: He indicated
7 to me that we need to have a
8 system in place that monitors
9 orders of unusual size, pattern
10 and frequency.
11 BY MR. CLUFF:
12 Q. Did he ever tell you why?
13 A. I'm sure he has, but I don't
14 recall the discussion.
15 MR. NICHOLAS: Sterling, I
16 don't want to break your flow
17 here, but it's been an hour
18 and-a-half.
19 MR. CLUFF: I was looking at
20 that. I just have a couple more,
21 and then we'll break.
22 BY MR. CLUFF:
23 Q. In your work as a diversion
24 control specialist over the years, did

Page 97

1 you ever form an understanding of why
2 AmerisourceBergen is required to maintain
3 a system to monitor orders of unusual
4 size, pattern and frequency?
5 A. Yes.
6 Q. And what is that?
7 A. Because it's part of the DEA
8 requirement that we have a system in
9 place.
10 Q. A system in place to do
11 what?
12 A. To monitor customer orders.
13 Q. Have you ever formed an
14 understanding that AmerisourceBergen has
15 a regulatory requirement to maintain a
16 system to prevent diversion?
17 MR. NICHOLAS: Object to the
18 form.
19 THE WITNESS: I'm not aware
20 of that.
21 MR. CLUFF: Let's go ahead
22 and take a break.
23 VIDEO TECHNICIAN: We're off
24 the record at 10:56 a.m.

<p style="text-align: right;">Page 98</p> <p>1 - - -</p> <p>2 (Whereupon, a brief recess</p> <p>3 was taken.)</p> <p>4 - - -</p> <p>5 VIDEO TECHNICIAN: We're</p> <p>6 back on the record at 11:11 a.m.</p> <p>7 BY MR. CLUFF:</p> <p>8 Q. All right. Mr. Kreutzer,</p> <p>9 we're back on the record, so we'll</p> <p>10 continue your deposition.</p> <p>11 You understand that you're</p> <p>12 still under oath?</p> <p>13 A. Yes.</p> <p>14 Q. When we broke we were, I</p> <p>15 believe, talking about training for the</p> <p>16 position you took on as a diversion</p> <p>17 control specialist at AmerisourceBergen.</p> <p>18 Do you recall that?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall how long you</p> <p>21 and Mr. Hazewski trained together for</p> <p>22 before you started operating without</p> <p>23 supervision?</p> <p>24 A. I do not, no.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. What was the dual role?</p> <p>2 A. So he would help me review</p> <p>3 orders throughout the day and also he had</p> <p>4 his other job to do, reporting to Bruce</p> <p>5 Gundi. That's my recollection.</p> <p>6 Q. What work was he doing when</p> <p>7 he reported to Bruce Gundi, did you know?</p> <p>8 A. It was investigations not</p> <p>9 related to order monitoring.</p> <p>10 Q. We were talking about some</p> <p>11 of the substantive training that you</p> <p>12 received, and you mentioned reading the</p> <p>13 Code of Federal Regulations.</p> <p>14 I believe you referred to it</p> <p>15 as DEA 21 CFR; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. As part of your training,</p> <p>18 did you ever read 21 USC Section 823?</p> <p>19 A. I don't recall.</p> <p>20 Q. In your work as a diversion</p> <p>21 control specialist with</p> <p>22 AmerisourceBergen, have you ever read 21</p> <p>23 USC 823?</p> <p>24 A. I don't recall the specific</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. If you were to estimate,</p> <p>2 would you say it was less than a month?</p> <p>3 A. I do not know.</p> <p>4 Q. Was it less than two weeks?</p> <p>5 A. I don't recall.</p> <p>6 Q. Just so we're clear, you</p> <p>7 have absolutely no recollection of how</p> <p>8 long you were trained for?</p> <p>9 A. Not specific time frame, no.</p> <p>10 Q. Did you train with anybody</p> <p>11 else aside from Mr. Hazewski?</p> <p>12 A. I did. I trained with Scott</p> <p>13 Kirsh.</p> <p>14 Q. Who is Scott Kirsh?</p> <p>15 A. Scott Kirsh was -- I believe</p> <p>16 he also reported to Ed Hazewski at one</p> <p>17 time, prior to me coming on board.</p> <p>18 Q. Do you recall what his job</p> <p>19 title was?</p> <p>20 A. I believe his -- I believe</p> <p>21 he was working for Bruce Gundi. But he</p> <p>22 was filling in with Ed to also help me</p> <p>23 train for the position. So he had a dual</p> <p>24 role at one point.</p>	<p style="text-align: right;">Page 101</p> <p>1 regulation number.</p> <p>2 Q. How about when you worked</p> <p>3 for Teva Pharmaceuticals, did you ever</p> <p>4 read 21 USC 823?</p> <p>5 A. I don't -- I don't remember</p> <p>6 the specific regulation number.</p> <p>7 Q. Have you ever reviewed the</p> <p>8 regulation or statute that governs</p> <p>9 registration to manufacture or distribute</p> <p>10 controlled substances?</p> <p>11 A. I don't recall.</p> <p>12 Q. Do you know if there is a</p> <p>13 regulation or statute that governs</p> <p>14 registrations to manufacture or</p> <p>15 distribute controlled substances?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you not recall today</p> <p>18 whether or not there is a regulation, or</p> <p>19 is it that you never knew when you worked</p> <p>20 at Teva or ABC -- excuse me,</p> <p>21 AmerisourceBergen, if there was a statute</p> <p>22 or regulation that governs registrations?</p> <p>23 MR. NICHOLAS: Object to the</p> <p>24 form.</p>

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1 THE WITNESS: I'm sure there
2 is, I just don't recall at the
3 moment.
4 BY MR. CLUFF:
5 Q. Is that something you would
6 have been familiar with at some earlier
7 point in time?
8 MR. NICHOLAS: Same
9 objection.
10 THE WITNESS: I just don't
11 recall.
12 BY MR. CLUFF:
13 Q. Are you aware that
14 AmerisourceBergen is required to maintain
15 a registration to distribute controlled
16 substances?
17 A. Yes.
18 Q. Do you know who issues that
19 registration?
20 A. The DEA.
21 Q. Are you aware that
22 manufacturers, like Teva, are required to
23 maintain a registration to manufacture
24 controlled substances?

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1 A. I'm not sure.
2 Q. When you worked at Teva, did
3 anybody discuss maintaining registration
4 to manufacture controlled substances?
5 A. I don't believe so.
6 Q. You never received any
7 training on Teva's registration to
8 manufacture controlled substances?
9 A. I don't recall.
10 Q. Going back to
11 AmerisourceBergen's registration to
12 distribute controlled substances, are you
13 aware of any of the requirements to
14 maintain -- to obtain a registration to
15 distribute controlled substances?
16 MR. NICHOLAS: Object to the
17 form.
18 THE WITNESS: I don't
19 recall.
20 BY MR. CLUFF:
21 Q. Your job position at
22 AmerisourceBergen, for the majority of
23 your time there, was diversion control
24 specialist, correct?

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1 A. Correct.
2 Q. Are you aware, through your
3 work as a diversion control specialist,
4 whether maintaining effective controls
5 against diversion is a requirement in
6 obtaining a registration to distribute
7 controlled substances?
8 MR. NICHOLAS: Object to the
9 form.
10 THE WITNESS: I don't
11 recollect.
12 BY MR. CLUFF:
13 Q. Have you ever received any
14 training about the maintenance of
15 effective controls against diversion,
16 while you've been employed by
17 AmerisourceBergen?
18 A. I don't recall.
19 Q. When you worked at Teva
20 under Colleen McGinn, did you ever
21 receive any training about the
22 maintenance of effective controls against
23 diversion?
24 A. I don't recall.

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1 Q. Do you recall if
2 AmerisourceBergen conducted training
3 about the maintenance of effective
4 controls against diversion?
5 A. I don't recall.
6 Q. Is it possible, then, that
7 AmerisourceBergen did not provide
8 training about the maintenance of
9 effective controls against diversion?
10 MR. NICHOLAS: Object to the
11 form.
12 THE WITNESS: I just don't
13 recall.
14 BY MR. CLUFF:
15 Q. How about at Teva, do you
16 recall if Teva ever offered training
17 about the maintenance of effective
18 controls against diversion?
19 A. I don't recall.
20 MR. MAIER: Object to form.
21 BY MR. CLUFF:
22 Q. Do you know if
23 AmerisourceBergen maintains effective
24 controls against diversion?

<p style="text-align: right;">Page 106</p> <p>1 MR. NICHOLAS: Object to the 2 form. 3 Go ahead. 4 THE WITNESS: I'm assuming 5 yes, we do. 6 BY MR. CLUFF: 7 Q. What is your assumption 8 based on? 9 A. That we have a system in 10 place that identifies orders of interest. 11 Q. Earlier I asked you if you 12 had ever received any training about the 13 maintenance of effective controls against 14 diversion, and you said you don't recall 15 receiving any training; is that right? 16 MR. NICHOLAS: Object to the 17 form. 18 THE WITNESS: Can you 19 rephrase the question? 20 BY MR. CLUFF: 21 Q. I'll re-ask the question, 22 but I'm not going to rephrase it. 23 We discussed earlier 24 training about the maintenance of</p>	<p style="text-align: right;">Page 108</p> <p>1 MR. NICHOLAS: Object to the 2 form. 3 BY MR. CLUFF: 4 Q. Do you recall that? 5 MR. NICHOLAS: Object to the 6 form. 7 THE WITNESS: I don't 8 recall. 9 BY MR. CLUFF: 10 Q. You don't recall receiving 11 training, or you don't recall the 12 question? 13 MR. NICHOLAS: I think the 14 question is confusing. I will 15 object to the form, to the series 16 of questions that's confusing. 17 THE WITNESS: I don't 18 recall. 19 BY MR. CLUFF: 20 Q. Do you recall receiving 21 training at AmerisourceBergen regarding 22 the maintenance of effective controls 23 against diversion? 24 MR. NICHOLAS: Same</p>
<p style="text-align: right;">Page 107</p> <p>1 effective controls against diversion 2 while you worked at AmerisourceBergen. 3 And you said that you do not 4 recall receiving any training; is that 5 correct? 6 MR. NICHOLAS: Object to the 7 form. And I'll object to the 8 refusal to rephrase the question 9 at the witness's request. 10 Go ahead. 11 THE WITNESS: We have a 12 system in place that identifies 13 orders of interest for unusual 14 size, frequency and pattern. 15 BY MR. CLUFF: 16 Q. I appreciate that answer. 17 That's not -- that's not the question I 18 was asking, so let me try and get back to 19 the question I was asking. 20 Do you recall that we 21 previously discussed whether or not you, 22 at AmerisourceBergen, received training 23 about the maintenance of effective 24 controls against diversion?</p>	<p style="text-align: right;">Page 109</p> <p>1 objection. 2 THE WITNESS: Yes. 3 BY MR. CLUFF: 4 Q. You do recall receiving 5 training? What training -- 6 A. I recall receiving training 7 that identifies orders of interest. 8 Q. When do you recall receiving 9 training about orders of interest? 10 A. Throughout my career at 11 AmerisourceBergen. 12 Q. When did the words "orders 13 of interest" start getting used at 14 AmerisourceBergen? 15 A. I don't recall that. 16 Q. Is it your recollection that 17 in 2009, when you became a diversion 18 control specialist, Mr. Hazewski trained 19 you about identifying orders of interest? 20 A. I don't remember. 21 Q. Do you recall Mr. Hazewski 22 using the words "orders of interest" in 23 2009 when he trained you? 24 A. No, I do not.</p>

<p style="text-align: right;">Page 110</p> <p>1 Q. Do you recall him using the 2 words "suspicious orders"?</p> <p>3 A. No, I do not.</p> <p>4 Q. Do you recall him using the 5 words "excessive orders"?</p> <p>6 A. No.</p> <p>7 Q. What did he tell you you 8 were looking for in the orders you 9 reviewed when he was training you?</p> <p>10 MR. NICHOLAS: Object to the 11 form.</p> <p>12 THE WITNESS: Orders of 13 unusual size, quantity and 14 frequency.</p> <p>15 BY MR. CLUFF:</p> <p>16 Q. And we discussed earlier 17 that that is the definition of a 18 suspicious order in the Code of Federal 19 Regulations, right?</p> <p>20 MR. NICHOLAS: Object to the 21 form.</p> <p>22 Go ahead.</p> <p>23 THE WITNESS: I didn't say 24 that. I said we have a system in</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. So your recollection today 2 is that you were being trained to 3 identify orders of interest?</p> <p>4 MR. NICHOLAS: Object to the 5 form. I believe the questions are 6 confusing.</p> <p>7 THE WITNESS: That is my 8 term that I'm using. I don't 9 recall Ed's term that he used in 10 2009.</p> <p>11 BY MR. CLUFF:</p> <p>12 Q. When you were training with 13 Ed and with Scott, did either of them 14 discuss with you the obligation or 15 regulatory requirement that a wholesale 16 distributor has to maintain effective 17 controls against diversion of controlled 18 substances?</p> <p>19 A. I don't recall that 20 discussion.</p> <p>21 Q. Your title was diversion 22 control specialist, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Don't you think it would</p>
<p style="text-align: right;">Page 111</p> <p>1 place that identifies orders of 2 unusual -- of unusual size, 3 quantity and frequency.</p> <p>4 BY MR. CLUFF:</p> <p>5 Q. Do you recall what the 6 definition of a suspicious order is in 7 the Code of Federal Regulations?</p> <p>8 A. Yes.</p> <p>9 Q. What is it?</p> <p>10 A. It's what I just stated.</p> <p>11 Q. Orders of unusual size, 12 quantity and frequency?</p> <p>13 A. Yes. Pattern.</p> <p>14 Q. And that's what Mr. Hazewski 15 was training you to look for?</p> <p>16 A. He was training me to 17 identify orders of interest that need to 18 be reviewed individually to determine if 19 the order is suspicious or not.</p> <p>20 Q. So I just asked you if he 21 ever used the words "orders of interest" 22 when he was training you, and you told me 23 that you do not recall.</p> <p>24 A. That term, I do not recall.</p>	<p style="text-align: right;">Page 113</p> <p>1 have been important, as a diversion 2 control specialist, to be trained on 3 diversion control?</p> <p>4 MR. NICHOLAS: Object to the 5 form. Just argumentative.</p> <p>6 THE WITNESS: I most likely 7 was trained, I just don't recall.</p> <p>8 BY MR. CLUFF:</p> <p>9 Q. What would that training 10 have looked like, if it had occurred?</p> <p>11 MR. NICHOLAS: Object to the 12 form.</p> <p>13 THE WITNESS: It was 14 hands-on training.</p> <p>15 BY MR. CLUFF:</p> <p>16 Q. And that was -- sorry, go 17 ahead. I didn't mean to interrupt you.</p> <p>18 A. As well as, I believe, we 19 also had PowerPoint trainings at 20 presentations that were conducted. And 21 we also conducted weekly meetings.</p> <p>22 Q. Do you recall who would have 23 given the PowerPoint presentations?</p> <p>24 A. I do not.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. What were the weekly 2 meetings you guys had? 3 A. Weekly meetings consisted of 4 anything new that is happening in our 5 department, any pharmacy visits that were 6 being conducted, as well as any orders 7 that the investigators wanted to discuss, 8 or any other information the 9 investigators wanted to discuss on a 10 variety of subjects. 11 Q. Who attended the weekly 12 meetings? 13 A. Well, at the time when I 14 initially started, it was myself, I 15 believe it was Scott Kirsh, Ed. And then 16 soon afterward Joe Tomkiewicz was hired, 17 as well as Dave Britemyer. 18 Q. Kirsh, you mentioned, was -- 19 he had a dual role helping you monitor 20 the -- review the customer orders? 21 A. Initially, yes. 22 Q. And working investigations 23 with Bruce Gundi? 24 A. Yes, that's my recollection.</p>	<p style="text-align: right;">Page 116</p> <p>1 AmerisourceBergen, as well as reviewing 2 orders of interest and any other duties 3 as assigned. 4 Q. You said "orders of 5 interest." 6 Was that a part of the scope 7 of your job responsibility in 2009? 8 A. To review customer orders, 9 yes. 10 Q. But you're using orders of 11 interest today to refer to the work you 12 did back then? 13 A. That's correct. 14 Q. And they were not referred 15 to as orders of interest in 2009, 16 correct? 17 MR. NICHOLAS: Object to the 18 form. 19 THE WITNESS: I do not know 20 what they were called back then. 21 BY MR. CLUFF: 22 Q. The reason I'm asking is 23 because we get to different time periods 24 during your work history, and I'm just</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. These names, Tomkiewicz and 2 Britemyer, do you recall their positions? 3 A. Yes. Joe was a diversion 4 control -- I believe his title was 5 investigator. 6 Q. And that's Joe Tomkiewicz? 7 A. Yes. 8 Q. And how about Dave 9 Britemyer? 10 A. Dave Britemyer was an intern 11 for AmerisourceBergen. So he was working 12 during the summer months, and then he was 13 hired full time. 14 Q. So we talked about the 15 training on reviewing customer orders. 16 When you went into 17 autonomous mode without training, what 18 were your responsibilities as a diversion 19 control specialist? 20 A. To review orders or overall? 21 Q. Overall. 22 A. Overall. I conducted due 23 diligence reviews for new customer 24 accounts that want to do business with</p>	<p style="text-align: right;">Page 117</p> <p>1 trying to make sure that I understand the 2 correct words to use for the work you 3 were doing at the time. 4 So if there was a word that 5 you used in 2009, I'd like us to use that 6 when we talk about the 2009 time period. 7 And my understanding is that you don't 8 recall? 9 A. I don't recall the term that 10 I used. Maybe other investigators used a 11 different term, I don't know. 12 Q. So I don't want to put words 13 in your mouth, but I want you to 14 understand that I'm going to refer to 15 those as customer orders in 2009, then. 16 A. Okay. 17 Q. Because you did not -- 18 you've told me you do not recall using 19 the words "orders of interest" in 2009. 20 Does that make sense? 21 A. Yes, I understand. 22 Q. So in 2009, I think you 23 described to me three job 24 responsibilities.</p>

<p style="text-align: right;">Page 118</p> <p>1 One was doing customer -- or 2 conducting due diligence on new customer 3 accounts; is that right? 4 A. As well as overall 5 customers, yes. 6 Q. Is there a difference 7 between the due diligence on new 8 customers and what you just referred to 9 as overall customers? 10 A. It's just reviewing customer 11 accounts throughout the month. 12 Q. Is new customer due 13 diligence sometimes referred to as NCDD? 14 A. Correct. 15 Q. I've also heard the term 16 existing customer due diligence. 17 Is that ECDD? 18 A. That's CDD. 19 Q. CDD, without the E, okay. 20 A. Correct. 21 Q. And were you responsible for 22 both new and existing customer due 23 diligence? 24 A. Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 correct? 2 A. Yes. 3 Q. And then I think the third 4 category is sort of like special projects 5 by assignment? 6 A. Yes. 7 Q. Did you have a geographic 8 area that you were responsible for 9 reviewing customer orders in or from? 10 A. I was covering, I believe it 11 was -- back then, it could have been the 12 East and South. It's a little different 13 now. But at the time, I think it was 14 East and South I was covering. 15 Q. Did your geographic area of 16 responsibility for customer orders change 17 over time? 18 A. It has. 19 Q. And how did it change? 20 A. It changed where I was now 21 covering just the North and East regions. 22 Q. Are those two separate 23 regions, North and East, or -- 24 A. Yes, yes.</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Are you familiar with the 2 term 590, Form 590? 3 A. I am. 4 Q. What is a Form 590? 5 A. Form 590 is a pharmacy 6 questionnaire. 7 Q. Is that a new customer due 8 diligence form? 9 A. It's a part of it, yes. 10 Meaning that -- yes, it is a new customer 11 that would complete that form. 12 Q. What's a Form 595? Do you 13 know what that is? 14 A. Form 595 is a new customer 15 due diligence, it's a checklist. 16 Q. So it's a part of the due 17 diligence process? 18 A. Process, yes. 19 Q. But it's different than the 20 590? 21 A. Correct. 22 Q. In addition to new customer 23 and existing customer due diligence, you 24 mentioned reviewing customer orders,</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. -- or is it Northeast? 2 A. Yes, they are two separate 3 regions. 4 Q. Before you became a 5 diversion control specialist in 2009, do 6 you know who was responsible for 7 reviewing customer orders out of the 8 South region? 9 A. I do not. 10 Q. Do you know who the 11 diversion control specialists were that 12 were employed prior to your joining in 13 2009? 14 A. That would have been Ed 15 Hazewski and Scott Kirsh, I believe. And 16 there may have been others that I don't 17 remember their names, but they weren't 18 there when I started. 19 Q. So there may have been some 20 others that worked as diversion control 21 specialists before you started in 2009? 22 A. Yes, yes. 23 Q. And you just can't remember 24 their names?</p>

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1 A. I don't remember their
2 names, but I know there were others.
3 Q. And so prior to you becoming
4 a diversion control specialist, Ed and
5 Scott Kirsh would have been the two
6 persons primarily responsible for
7 reviewing customer orders?

8 A. As well as the other
9 individuals.

10 Q. The people you can't
11 remember?

12 A. I just -- that I can't
13 remember.

14 Q. Yeah, I'm just trying to
15 understand the world of individuals.
16 Okay.

17 When you were conducting new
18 customer and existing customer due
19 diligence, did you consider that to be an
20 investigation?

21 A. It was part of our due
22 diligence process.

■	■	■
■	■	■

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Page 125

Category	Percentage
1. [Redacted]	100%
2. [Redacted]	100%
3. [Redacted]	100%
4. [Redacted]	100%
5. [Redacted]	100%
6. [Redacted]	100%
7. [Redacted]	100%
8. [Redacted]	100%
9. [Redacted]	100%
10. [Redacted]	100%
11. [Redacted]	100%
12. [Redacted]	100%
13. [Redacted]	100%
14. [Redacted]	100%
15. [Redacted]	100%
16. [Redacted]	100%
17. [Redacted]	100%
18. [Redacted]	100%
19. [Redacted]	100%
20. [Redacted]	100%
21. [Redacted]	100%
22. [Redacted]	100%
23. [Redacted]	100%
24. [Redacted]	100%
25. [Redacted]	100%
26. [Redacted]	100%
27. [Redacted]	100%
28. [Redacted]	100%
29. [Redacted]	100%
30. [Redacted]	100%
31. [Redacted]	100%
32. [Redacted]	100%
33. [Redacted]	100%
34. [Redacted]	100%
35. [Redacted]	100%
36. [Redacted]	100%
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38. [Redacted]	100%
39. [Redacted]	100%
40. [Redacted]	100%
41. [Redacted]	100%
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68. [Redacted]	100%
69. [Redacted]	100%
70. [Redacted]	100%
71. [Redacted]	100%
72. [Redacted]	100%
73. [Redacted]	100%
74. [Redacted]	100%
75. [Redacted]	100%
76. [Redacted]	100%
77. [Redacted]	100%
78. [Redacted]	100%
79. [Redacted]	100%
80. [Redacted]	100%
81. [Redacted]	100%
82. [Redacted]	100%
83. [Redacted]	100%
84. [Redacted]	100%
85. [Redacted]	100%
86. [Redacted]	100%
87. [Redacted]	100%
88. [Redacted]	100%
89. [Redacted]	100%
90. [Redacted]	100%
91. [Redacted]	100%
92. [Redacted]	100%
93. [Redacted]	100%
94. [Redacted]	100%
95. [Redacted]	100%
96. [Redacted]	100%
97. [Redacted]	100%
98. [Redacted]	100%
99. [Redacted]	100%
100. [Redacted]	100%

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. As a diversion control
17 specialist, did you ever discuss upward
18 trends, to use your phrase, with any
19 other wholesale distributors?
20 A. Discuss that information
21 with other wholesalers?
22 Q. Yes.
23 A. No, we have not. Not that
24 I'm -- not that I'm aware of.

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1 Q. Do you know if any other
2 employees at AmerisourceBergen ever
3 discussed trends in distribution with any
4 other wholesale distributors?
5 A. Not that I'm aware of.
6 Q. Do you know if -- or have
7 you personally spoken to employees from
8 any manufacturers about trends in
9 controlled substance distribution?
10 A. No, I have not.
11 Q. You said you reported to Ed
12 Hazewski, correct?
13 A. Yes.
14 Q. Do you know if Ed Hazewski
15 ever had meetings with or discussions
16 with employees from any manufacturers
17 about trends in wholesale distribution?
18 A. I'm not aware of any
19 discussion.
20 Q. If Mr. Hazewski had learned
21 about a specific trend in wholesale
22 distribution from another distributor or
23 from a manufacturer, is that information
24 that he would have communicated to you?

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1 MR. NICHOLAS: Object to the
2 form.
3 THE WITNESS: He may have, I
4 don't know.
5 BY MR. CLUFF:
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

Page 129

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 Q. In 2009, when you became a
22 diversion control specialist, were you
23 aware of AmerisourceBergen's suspicious
24 order monitoring policies and procedures?

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[REDACTED]

Page 140

[REDACTED]

Page 139

[REDACTED]

Page 141

[REDACTED]

Page 146

[REDACTED]

Page 148

[REDACTED]

Page 147

[REDACTED]

Page 149

[REDACTED]

Page 150

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 Q. Okay. So going back to the
5 distribution center, after an order is
6 sent from the distribution center to the
7 CSRA group, would you have been the
8 person, as a diversion control
9 specialist, to review that order?
10 A. I would be one of them, yes.
11 Q. And what -- and that would
12 be when you were reviewing an order to
13 determine whether it was of unusual
14 frequency, size and pattern; is that
15 right?
16 A. It would be an order of
17 interest. That --
18 Q. I'm talking -- let me
19 correct myself.
20 Prior to 2015, when an order
21 came to your desk, that is when you would
22 begin the process of reviewing that order
23 to determine if it was of unusual size,
24 frequency or pattern?

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1 A. Yes.
2 Q. Did you do anything else
3 with orders during that review process?
4 A. Prior to --
5 Q. 2015.
6 A. If there were -- if I had
7 any questions regarding a customer's
8 order, I would reach out to our
9 pharmacist who is on staff.
10 Q. Who was the pharmacist prior
11 to 2015?
12 A. It would be Sharon Hartman.
13 Q. Do you know when she joined
14 the company?
15 A. I do not know the specific
16 year, but I believe she was on staff in
17 2015.
18 Q. If I suggested that she
19 joined the company in 2014, would that
20 sound accurate to you?
21 MR. NICHOLAS: Objection.
22 Lack of foundation.
23 Go ahead.
24 THE WITNESS: Possibly.

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1 BY MR. CLUFF:
2 Q. Do you know if there was a
3 pharmacist on staff at AmerisourceBergen
4 prior to Ms. Hartman joining the company?
5 A. I believe Joe Tomkiewicz
6 also had some pharmacy background.
7 Q. What was his pharmacy
8 background, if you recall?
9 A. I don't recall.
10 Q. So prior to Ms. Hartman
11 joining the company in 2014, if you had a
12 question that warranted a pharmacist's
13 input, who would you ask about that?
14 A. Prior to that, I don't
15 believe we had any other pharmacists on
16 staff, other than Joe. I would contact
17 Ed Hazewski.
18 Q. And he's who you would ask
19 questions about customer orders where you
20 needed additional input?
21 A. Yes. And, also, we had the
22 sales force also contact the customer at
23 that time.
24 Q. So if you had a question

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1 about an order that was presented to you
2 for review, you would ask the sales force
3 sometimes for --
4 A. Sometimes the sales force.
5 Q. And then they would contact
6 the customer?
7 MR. NICHOLAS: Let him
8 finish.
9 THE WITNESS: No, no. I'm
10 sorry you --
11 BY MR. CLUFF:
12 Q. I didn't mean to talk over
13 you. If you have more of an answer,
14 please give it.
15 A. In addition to the sales
16 force reaching out to the customer, we
17 also had the distribution center manager
18 reach out to the customer as well.
19 Q. So just to kind of
20 understand. If there was a question that
21 you had about an order that you couldn't
22 resolve yourself, prior to 2014, a little
23 confusing now, because that's prior to
24 Ms. Hartman joining, right?

<p style="text-align: right;">Page 154</p> <p>1 A. Yes.</p> <p>2 Q. You would talk to Mr.</p> <p>3 Hazewski?</p> <p>4 A. Yes.</p> <p>5 Q. You could reach out to the</p> <p>6 sales force, who would talk to the</p> <p>7 customer?</p> <p>8 A. Yes.</p> <p>9 Q. Or you could reach out to</p> <p>10 the distribution center manager, who</p> <p>11 maybe also would talk to the customer?</p> <p>12 A. Correct.</p> <p>13 Q. Did you ever talk to</p> <p>14 customers yourself?</p> <p>15 A. Prior to that time, I don't</p> <p>16 believe I have.</p> <p>17 Q. Have you ever talked to</p> <p>18 customers after that time?</p> <p>19 A. Yes.</p> <p>20 Q. When you had questions, what</p> <p>21 kind of responses would you get back from</p> <p>22 customers?</p> <p>23 MR. NICHOLAS: Object to the</p> <p>24 form.</p>	<p style="text-align: right;">Page 156</p> <p>1 It could be any number of</p> <p>2 reasons.</p> <p>3 Q. If a pharmacy was robbed,</p> <p>4 would you continue shipping to that</p> <p>5 pharmacy?</p> <p>6 MR. NICHOLAS: Object to the</p> <p>7 form.</p> <p>8 THE WITNESS: If our</p> <p>9 pharmacy was robbed, yes, after we</p> <p>10 got a DEA Form 106 and a police</p> <p>11 report.</p> <p>12 BY MR. CLUFF:</p> <p>13 Q. Were there ever any factors</p> <p>14 that you would uncover during reviewing</p> <p>15 an order that warranted additional due</p> <p>16 diligence, prior to 2015?</p> <p>17 MR. NICHOLAS: Object to the</p> <p>18 form.</p> <p>19 THE WITNESS: I'm sure there</p> <p>20 has been, but I just don't</p> <p>21 recollect right now.</p> <p>22 BY MR. CLUFF:</p> <p>23 Q. Based on your working</p> <p>24 experience, what are some factors that</p>
<p style="text-align: right;">Page 155</p> <p>1 Go ahead.</p> <p>2 THE WITNESS: If I called</p> <p>3 them myself?</p> <p>4 BY MR. CLUFF:</p> <p>5 Q. You know, that's a good</p> <p>6 point.</p> <p>7 Let's talk about the before</p> <p>8 2014 time period. What kinds of</p> <p>9 questions would you have for, like, the</p> <p>10 sales force and the distribution center</p> <p>11 manager to get information from customers</p> <p>12 about?</p> <p>13 A. I would ask them the reason</p> <p>14 why this pharmacy is placing a larger</p> <p>15 order than they typically place.</p> <p>16 Q. And what kinds of responses</p> <p>17 would you get?</p> <p>18 A. I would get a response where</p> <p>19 it could be any number of reasons. A</p> <p>20 pharmacy had a robbery, they're trying to</p> <p>21 replenish their inventory. There's a</p> <p>22 pharmacy that closed down the street.</p> <p>23 There's product that's going to be in</p> <p>24 short demand.</p>	<p style="text-align: right;">Page 157</p> <p>1 you would identify as requiring</p> <p>2 additional due diligence?</p> <p>3 A. Currently?</p> <p>4 Q. Yes.</p> <p>5 A. I would see if we have any</p> <p>6 information on the customer in our Matter</p> <p>7 Management System, if we have a Form 590</p> <p>8 on file for the customer, and any other</p> <p>9 information that we have.</p> <p>10 Q. The information management</p> <p>11 system you mentioned, is that Lawtrac?</p> <p>12 A. Lawtrac is gone. We have</p> <p>13 Matter Management System now and NetDocs.</p> <p>14 Q. Is Matter Management System</p> <p>15 abbreviated MMS?</p> <p>16 A. Yes.</p> <p>17 Q. And then what was the last</p> <p>18 one you mentioned?</p> <p>19 A. NetDocs.</p> <p>20 Q. What is NetDocs?</p> <p>21 A. NetDocs took the replacement</p> <p>22 of Lawtrac. So any information that was</p> <p>23 previously in Lawtrac should now be in</p> <p>24 NetDocs.</p>

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1 Q. When you were reviewing an
 2 order, I think you said that some of the
 3 information you would look at would be,
 4 you know, a Form 590, you would look at
 5 the Lawtrac information, correct?
 6 A. Yes.
 7 Q. And how did those sources of
 8 information inform your review of a
 9 customer order that had passed the
 10 distribution center?
 11 A. Well, each order is reviewed
 12 individually. So it's really the
 13 totality of the circumstances, whatever
 14 information we have on file to make a
 15 sound decision whether to release or
 16 reject and report that order.
 17 Q. Are you familiar with the
 18 Form 590 project?
 19 A. I am.
 20 Q. What was the Form 590
 21 project?
 22 A. The Form 590 project is a
 23 listing of all the pharmacies, or all the
 24 accounts that ABC services, for which we

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1 did not or could not find a Form 590 for.
 2 Q. Do you recall if the Form
 3 590 project also included missing Lawtrac
 4 information?
 5 A. I do not.
 6 Q. If an order was presented to
 7 you for review and the Form 590 was
 8 missing, would you have been able to do
 9 an accurate review of that customer's
 10 order?
 11 A. Yes.
 12 Q. How so?
 13 A. Based on the systems that we
 14 have in place, we can make a decision, as
 15 well as personnel we have on staff to
 16 make a decision whether to release or
 17 report that order, or just reject that
 18 order.
 19 Q. Was the Form 590 a required
 20 document at AmerisourceBergen?
 21 MR. NICHOLAS: Object to the
 22 form.
 23 THE WITNESS: For new
 24 customer onboardings, yes.

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1 BY MR. CLUFF:
 2 Q. So if a 590 was missing from
 3 a customer's file, that would reflect a
 4 gap in AmerisourceBergen's policies,
 5 correct?
 6 MR. NICHOLAS: Object to the
 7 form.
 8 THE WITNESS: No, not a gap.
 9 Just a form could have been lost.
 10 BY MR. CLUFF:
 11 Q. What about if you received
 12 an order from a customer to review and
 13 the Lawtrac information was missing or
 14 incomplete, could you do an effective
 15 review of that customer's order without
 16 the Lawtrac information?
 17 A. Yes.
 18 Q. How so?
 19 A. Based on the systems that we
 20 have in place.
 21 Q. So you testified that you
 22 believe you could do an effective review
 23 of an order without a 590, with a missing
 24 or incomplete Lawtrac information, and

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1 both times you said you could do this
 2 based on the systems you have in place.
 3 Wasn't the 590 and the
 4 Lawtrac part of the system that
 5 AmerisourceBergen had in place to review
 6 orders?
 7 MR. NICHOLAS: Object to the
 8 form.
 9 THE WITNESS: To review
 10 orders? Can you ask that question
 11 again, or rephrase it?
 12 BY MR. CLUFF:
 13 Q. Yes.
 14 So the 590 and the Lawtrac
 15 information, were they a part of
 16 AmerisourceBergen's suspicious order
 17 monitoring system?
 18 A. It was just a piece of it.
 19 Q. Is that the same system that
 20 you would have relied on to review orders
 21 once they were presented to you from the
 22 distribution center?
 23 A. It's just a piece of the
 24 process that we would look for, yes.

<p style="text-align: right;">Page 162</p> <p>1 Q. But the piece -- but the 2 process you were using was missing 3 pieces, correct? 4 MR. NICHOLAS: Object to the 5 form. 6 THE WITNESS: Not 7 necessarily missing pieces. 8 Again, we have systems in place 9 that review all orders 10 individually. So we can make a 11 sound decision with the systems 12 that we have in place. 13 BY MR. CLUFF: 14 Q. But the systems that you 15 have in place were missing things like 16 Form 590s and Lawtrac information, right? 17 MR. NICHOLAS: Object to the 18 form. 19 THE WITNESS: If we had any 20 missing 590s, we would request 21 them to get completed. 22 BY MR. CLUFF: 23 Q. Are you familiar with the 24 progress that AmerisourceBergen has made</p>	<p style="text-align: right;">Page 164</p> <p>1 THE WITNESS: I don't know. 2 BY MR. CLUFF: 3 Q. I'm going to hand you a copy 4 of an exhibit, we're going to mark it as 5 1 to your deposition. 6 - - - 7 (Whereupon, 8 AmerisourceBergen-Kreutzer 9 Exhibit-1, ABDC_MDL_00304391-392, 10 was marked for identification.) 11 - - - 12 BY MR. CLUFF: 13 Q. This is a document produced 14 by AmerisourceBergen. It's Bates stamped 15 ABDC_MDL_00304391 to 392. 16 I'll hand you the top copy, 17 which is the exhibit copy, and you can 18 hand the rest down to your counsel. 19 So just so you're aware, I 20 want to start with the bottom e-mail that 21 starts on 304391 on the bottom of the 22 first page. 23 You can review the whole 24 document, I'm just letting you know</p>
<p style="text-align: right;">Page 163</p> <p>1 in updating the Form 590s that were 2 missing? 3 A. Yes. 4 Q. How complete is it? 5 A. I'm not sure of the 6 percentage that it's completed. But it's 7 a work in progress. 8 Q. So it's not completed, 9 right? 10 A. It's not fully completed, 11 no. 12 Q. Do you know when 13 AmerisourceBergen first identified that 14 there was a problem with missing Form 590 15 information? 16 MR. NICHOLAS: Object to the 17 form. 18 THE WITNESS: I don't know 19 the specific time frame, no. 20 BY MR. CLUFF: 21 Q. Was it before or after 2015, 22 do you think? 23 MR. NICHOLAS: Same 24 objection.</p>	<p style="text-align: right;">Page 165</p> <p>1 that's where I want to start. 2 Do you know who Richard -- 3 I'm sorry, go ahead. 4 A. Could you hold on for one 5 second. 6 Q. Sure. I thought you were 7 done. My fault. 8 A. I'm not finished. 9 Q. Turning to the second page, 10 which ends in 392, the numbers on the 11 bottom. 12 You see at the very top of 13 the page it says, Below is the text from 14 the initial e-mail regarding the project. 15 And the next paragraph down 16 says, We have been asked by the CSRA 17 diversion control team to assist them 18 with the collection of updated 19 documentation for a substantial number of 20 customers. 21 Did I get that right? 22 A. Yes. 23 Q. And was it your 24 understanding, at this time, that the 590</p>

<p style="text-align: right;">Page 166</p> <p>1 project was to be filling out new Form 2 590s for an identified list of customers? 3 A. Yes. Yes, that was my 4 understanding. 5 Q. Looking down at the heading 6 that says, Next steps. It says, Due to 7 the high number of customers that will 8 need validation, we have broken the list 9 into two groups, CPA customers and 10 non-CPA. 11 What does the abbreviation 12 CPA stand for? 13 A. I don't remember right now. 14 Q. Looking in the body of that 15 paragraph underneath, where it says, 16 Beginning January 11th, do you see it 17 says, The 590 forms -- it's in bold in 18 the middle -- should be completed in 19 their entirety and all responses must be 20 legible. After each account is 21 completed, please submit the 22 documentation to customer maintenance. 23 What is customer 24 maintenance?</p>	<p style="text-align: right;">Page 168</p> <p>1 of the 590 project, CSRA was reviewing 2 them? 3 A. Yes. 4 Q. In the next sentence down, 5 it says, CM will then add the 6 documentation to their system and forward 7 to the CSRA OMP group. 8 What is the CSRA OMP group? 9 A. That's the corporate 10 security regulatory affairs order 11 monitoring program group. 12 Q. Who is in that group? 13 A. Myself. 14 Q. Are you the only member? 15 A. No. Let me clarify. 16 It's myself, Carol Sherman 17 Hines, Emily Coldren, Sara Cressman, 18 Nikki Seckinger, Teresa Javier. 19 And that's primarily the 20 ones that would review 590s. 21 Q. And are all the members of 22 the CSRA OMP group, are you diversion 23 control specialists and investigators? 24 A. Yes.</p>
<p style="text-align: right;">Page 167</p> <p>1 A. Customer maintenance is a 2 group that does all the gathering of data 3 for a new prospective account, including 4 Form 590s and photos. 5 Q. Is that a sales function? 6 A. No, it's not a sales 7 function. 8 Q. What department does that 9 group operate under? 10 A. It's just a -- it's a 11 separate department from my department, 12 as well as sales. 13 Q. And they were responsible 14 for gathering customer information? 15 A. Yeah, for new -- for 16 onboarding new customers. 17 Q. Did they have any 18 responsibility for existing customers? 19 A. No. They -- they would -- 20 in this example, they would forward any 21 completed 590s for new and existing 22 customers to the CSRA team to review. 23 Q. Okay. And so after people 24 were filling out these new 590s as part</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. Flip back to the first page 2 for me. This e-mail at the bottom was 3 sent by a person named Richard Dominico. 4 Do you see that? 5 A. I do. 6 Q. Do you know who Richard 7 Dominico is? 8 A. Other than his signature, 9 he's a district director. 10 Q. Do you know would -- what is 11 community and specialty pharmacy in the 12 signature block? Do you know what that 13 connotes? 14 A. That's his title, where he 15 oversees the customers within that 16 segment. 17 Q. So is he a customer services 18 or sales kind of a person? 19 A. He's a sales director. 20 Q. So would he have been 21 sending this e-mail, then, to sales 22 associates? 23 A. His reports, yes. 24 Q. Looking back at the second</p>

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1 page, there is a bold heading that says,
 2 Note.
 3 Do you see that?
 4 A. Yeah, I do.
 5 Q. The first bullet point says,
 6 This documentation project should be done
 7 within the normal scope of your routing.
 8 The priority is still the financial
 9 performance of your assignment.
 10 Did I read that correctly?
 11 A. Yes.
 12 Q. So despite the fact that
 13 AmerisourceBergen was missing 590s for
 14 what Mr. Dominico referred to as a
 15 substantial number of customers, he is
 16 telling sales associates that financial
 17 performance is more important?
 18 MR. NICHOLAS: Object to the
 19 form.
 20 THE WITNESS: I can't
 21 comment. I'm not a part of that
 22 e-mail.
 23 BY MR. CLUFF:
 24 Q. But you would agree that

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1 that's the words he's using, right, the
 2 priority is still the financial
 3 performance of your assignment?
 4 MR. NICHOLAS: Object to the
 5 form.
 6 THE WITNESS: I can't agree,
 7 other than what's typed here.
 8 BY MR. CLUFF:
 9 Q. Who is -- turning back to
 10 the first page, Marsha Widrick, if I'm
 11 saying that correctly? It's the second
 12 e-mail on the page.
 13 A. Marsha Widrick, she's one of
 14 the sales associates that reports to
 15 Richard Dominico.
 16 Q. Do you know why she was
 17 forwarding you this e-mail?
 18 A. I do not. It appears there
 19 was some accounts that were listed, and
 20 she was just indicating to me that she'll
 21 be sending out more requests over the
 22 next couple of weeks. And she wanted to
 23 know, is there a better address to send
 24 them to.

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1 Q. Do you recognize this
 2 address that she references, the CSRA
 3 validation project?
 4 A. Yes.
 5 Q. What was that?
 6 A. CSRA validation project is a
 7 term that we use for the assignment.
 8 It's not an e-mail address, which she
 9 thought it was.
 10 Q. So your group used the term
 11 CSRA validation project synonymously with
 12 590 form project or validation --
 13 A. That's the title of the
 14 spreadsheet, yes.
 15 Q. Going back to Richard
 16 Dominico's e-mail, he says, To date as a
 17 company, only 10 percent of the overall
 18 customer list has been completed.
 19 Does that refresh your
 20 recollection about how complete the
 21 project was, at least as it existed in
 22 July 2017?
 23 A. No.
 24 Q. It does not?

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1 Do you have any reason to
 2 dispute that the 590 project was more
 3 complete than 10 percent as of July 2017?
 4 MR. NICHOLAS: Object to the
 5 form.
 6 THE WITNESS: I don't recall
 7 this specific -- this specific
 8 e-mail from Richard.
 9 BY MR. CLUFF:
 10 Q. But you would agree with me
 11 that AmerisourceBergen was essentially
 12 conducting due diligence on customer
 13 orders while missing Form 590s, correct?
 14 MR. NICHOLAS: Object to the
 15 form.
 16 THE WITNESS: We conduct due
 17 diligence on all our customers at
 18 all times.
 19 BY MR. CLUFF:
 20 Q. But according to the Form
 21 590 project, some of that due diligence
 22 was missing?
 23 MR. NICHOLAS: Object to the
 24 form.

<p style="text-align: right;">Page 174</p> <p>1 THE WITNESS: Some of those 2 590s were missing. 3 BY MR. CLUFF: 4 Q. Whose responsibility would 5 it have been to ensure that due diligence 6 was being completed fully during the 7 customer onboarding process? 8 MR. NICHOLAS: Object to the 9 form. 10 THE WITNESS: Part of the 11 process is customers submit a Form 12 590 and photos. 13 BY MR. CLUFF: 14 Q. Do customers submit that 15 directly to AmerisourceBergen, or do they 16 submit it to some representative in the 17 company? 18 A. The potential customer works 19 with the sales representative, and, in 20 turn, then sends it into the customer 21 maintenance group for their review. 22 Q. And then what does the 23 customer maintenance group do with it? 24 A. Then once they determine</p>	<p style="text-align: right;">Page 176</p> <p>1 set of documents that you can pass down 2 to your counsel for me. We'll mark this 3 as Kreutzer Exhibit-2. 4 - - - 5 (Whereupon, 6 AmerisourceBergen-Kreutzer 7 Exhibit-2, ABDC_MDL_00154441-443, 8 was marked for identification.) 9 - - - 10 BY MR. CLUFF: 11 Q. It's an e-mail with an 12 attachment, it is ABDC_MDL_00154441. The 13 attachment begins at 442 and continues 14 through 443. 15 MR. CLUFF: You keep the one 16 with the numbers on it and pass 17 the rest down. 18 BY MR. CLUFF: 19 Q. So I just want to give you a 20 couple of notes about this, Mr. Kreutzer. 21 MR. NICHOLAS: You take that 22 one. 23 BY MR. CLUFF: 24 Q. If you look at the top of</p>
<p style="text-align: right;">Page 175</p> <p>1 that it is complete, then they will send 2 it up to the CSRA OMP group for review. 3 Q. What does the CSRA OMP group 4 do with it? 5 A. We review all the 6 information on the 590 to ensure all the 7 information is complete. And we conduct 8 due diligence on the licenses, as well as 9 the doctors. 10 Q. Is that process that you 11 just described, has that been the same 12 since 2009 all the way until the present 13 day? 14 A. The form has changed over 15 the years, it has evolved. So I don't 16 recollect what information was on the 17 initial 590. 18 Q. I appreciate that 19 differentiation. 20 So the form has changed, but 21 has the process of submitting, reviewing 22 and approving a form, has that changed? 23 A. No. 24 Q. I want to hand you another</p>	<p style="text-align: right;">Page 177</p> <p>1 this e-mail, just for reference, you'll 2 notice that it's from Eric Cherveny to 3 you, Kevin Kreutzer. The subject is, 4 Openin -- which I assume is supposed to 5 be opening -- Lawtrac matters. 6 And if you look at the 7 attachments line, it says OMP Lawtrac 8 review-due diligence notes. If you flip 9 the page, you'll see there's a subject, 10 OMP Lawtrac review/due diligence notes. 11 These documents were 12 produced as a parent e-mail and 13 attachment, so they go together. You can 14 review them. Thanks. 15 A. Okay. 16 Q. Do you recall receiving this 17 e-mail from Eric Cherveny? 18 A. I do not. 19 Q. But you would agree that it 20 is addressed to you, correct? 21 A. Yes. 22 Q. I want to start in the 23 middle of the e-mail. You'll see those 24 headings, Date, Description, Update,</p>

<p style="text-align: right;">Page 178</p> <p>1 Source, Name. 2 MR. CLUFF: Can you blow 3 that whole section up, Zach? 4 BY MR. CLUFF: 5 Q. You can look up here, too, 6 if it's easier for you, Mr. Kreutzer, 7 whichever you prefer. 8 But I'm curious, this 9 description here, this, I'll call it a 10 box, for a lack of a better word, is that 11 an example of an entry that would have 12 been in a customer's Lawtrac file? 13 A. It could have been. 14 Q. Where would this kind of a 15 description be entered if it wasn't in 16 Lawtrac? 17 A. Well, it's referring to the 18 content. But at that time, it would have 19 been entered in Lawtrac. 20 Q. And this kind of 21 information, where would it be recorded 22 now? 23 A. In MMS, Matter Management 24 System.</p>	<p style="text-align: right;">Page 180</p> <p>1 export a Lawtrac file from the Lawtrac 2 database? 3 A. It wasn't always electronic 4 in Lawtrac. It was also in paper form 5 when I first started. 6 Q. So in 2009, the Lawtrac 7 information existed on paper? 8 A. It existed on paper. And 9 all the documents, all the due diligence, 10 was included in a manilla folder entitled 11 as such. 12 Q. Do you know where that would 13 have been housed or kept? 14 A. It would have been kept in 15 the file cabinets in our office. 16 Q. Which office? 17 A. In the sales corporate 18 security/regulatory affairs office. 19 Q. Do you know where that was 20 located? Is it in Philadelphia, or -- 21 A. It's in Chesterbrook, 22 Pennsylvania, headquarters. 23 Q. Do you know if those records 24 were kept, or were they destroyed ever?</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. I want to point your 2 attention to the very last sentence in 3 that block. It says, Related documents 4 are attached. 5 From reading the text in 6 that box, do you have any understanding 7 of what related documents would have been 8 attached? 9 A. According to the 10 description, it would be the Form 590 and 11 photos. 12 Q. So if you were to hand me a 13 copy of a Lawtrac file, it would have, 14 I'm guessing, a series of entries like 15 this on a sheet, correct? 16 A. At a minimum, yes. 17 Q. And then it would also have 18 documents included with it? 19 A. Yes. 20 Q. And I understand that this 21 information would have existed 22 electronically on Lawtrac, which is 23 different than, like, handing me a file. 24 But was there a way to</p>	<p style="text-align: right;">Page 181</p> <p>1 A. They were moved around 2 after -- I'm not sure of the time frame, 3 a couple of years, they were moved off 4 site to Iron Mountain. 5 Q. What's Iron Mountain? 6 A. Iron Mountain is a storage 7 facility. 8 Q. Do you have any 9 understanding of whether or not those 10 records are still kept at Iron Mountain? 11 A. I do not. I don't believe 12 they are. 13 Q. Do you -- you said you don't 14 believe they are. 15 Is that because you have any 16 understanding about them being moved 17 somewhere else, or you just don't know if 18 they're there? 19 A. I don't know if they're 20 there. 21 Q. At some point were the paper 22 documents migrated to an electronic 23 format? 24 A. Yes.</p>

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<p>1 Q. Do you recall when that 2 happened?</p> <p>3 A. I don't recall the exact 4 year.</p> <p>5 Q. Do you think it was before 6 or after 2009?</p> <p>7 A. It was after 2009.</p> <p>8 Q. It was before 2015, though, 9 presumably?</p> <p>10 A. Yes. Approximately 2010, 11 '11.</p> <p>12 Q. What was the procedure for 13 taking the paper files and converting 14 them to an electronic format?</p> <p>15 A. I'm not following you there.</p> <p>16 Q. Sure. Let me rephrase that. 17 Do you know if all of the 18 paper files were converted to electronic 19 format to be recorded in an electronic 20 version of Lawtrac?</p> <p>21 A. Yes, I believe they were.</p> <p>22 Q. The paper files that 23 eventually were stored at Eagle Mountain, 24 do you know how far back those records</p>	<p>1 against CSRA policy to close your own due 2 diligence.</p> <p>3 What does it mean to close 4 due diligence?</p> <p>5 A. I believe this is right when 6 Eric started. And so we were using the 7 Lawtrac system. And at that time, I 8 believe we were closing our own matters.</p> <p>9 Q. What did it mean to close a 10 matter, though?</p> <p>11 A. Meaning that all the due 12 diligence has been conducted and 13 everything is in the file. Just because 14 it's closed doesn't mean it can't be 15 reviewed.</p> <p>16 Q. What kind of due diligence 17 would you have been conducting in this 18 kind of an instance? Is it, like, new 19 customer due diligence? Existing 20 customer order monitoring due diligence? 21 Can you tell?</p> <p>22 MR. NICHOLAS: Object to the 23 form.</p> <p>24 THE WITNESS: According to</p>
Page 183	Page 185
<p>1 went?</p> <p>2 A. I don't know. They went 3 back a number of years.</p> <p>4 Q. So you started in diversion 5 control in 2009.</p> <p>6 Do you think they went back 7 five or ten years, if you have an 8 understanding?</p> <p>9 A. I don't know.</p> <p>10 Q. You could not comment, okay. 11 That's fine.</p> <p>12 MR. NICHOLAS: Sterling, I'm 13 not going to stop you in 14 midstream, but it's 12:30. So 15 it's been an hour and-a-half. If 16 it's going to be a long time --</p> <p>17 MR. CLUFF: Let's just 18 finish with this document and 19 we'll move on.</p> <p>20 BY MR. CLUFF:</p> <p>21 Q. I just want to go back to 22 the substance of Eric's e-mail to you, so 23 starting with the first line, where it 24 says, Kevin, per policy. He says, It's</p>	<p>1 the description here, as requested 2 Form 590 and photos from -- I'm 3 not sure what that acronym stands 4 for, but he's in sales, for an 5 existing ABC retail pharmacy 6 located in Brandon, Missouri, or 7 Mississippi.</p> <p>8 BY MR. CLUFF:</p> <p>9 Q. So that would have been 10 existing customer due diligence?</p> <p>11 A. Yes.</p> <p>12 Q. And at least at that time, 13 Mr. Cherveney believed that it was against 14 policy to close your own due diligence, 15 right?</p> <p>16 MR. NICHOLAS: Object to the 17 form.</p> <p>18 Go ahead.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. CLUFF:</p> <p>21 Q. Continuing, he says, I need 22 to be able to review each due diligence 23 matter before closing. Also, per my 24 memo, the 595 was not properly completed</p>

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1 in this matter.
2 Can you tell from the
3 substance of his e-mail to you what was
4 improperly completed on the 595?
5 A. I do not know, other than
6 what he indicates here.
7 Q. Okay. His closing sentence
8 of this e-mail is, Also, ensure a 595 is
9 included in all DD.
10 Does that stand for due
11 diligence?
12 A. It does.
13 Q. So he wants it included in
14 all due diligence matters?
15 A. Yes.
16 Q. So if a 595 was missing,
17 that would have indicated a gap in the
18 due diligence process, right?
19 MR. NICHOLAS: Object to the
20 form.
21 THE WITNESS: Not a gap.
22 It's just it's missing.
23 BY MR. CLUFF:
24 Q. So missing information.

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1 MR. NICHOLAS: Object to the
2 form.
3 BY MR. CLUFF:
4 Q. I want you to turn the page
5 to the memo that Mr. Cherveny referenced
6 in his e-mail and that he attached.
7 He says that upon review of
8 due diligence matters, he observed some
9 areas that he wanted to comment on.
10 Do you recall having any
11 conversations with Mr. Cherveny about his
12 comments about due diligence in 2015?
13 A. I do not.
14 Q. Was new customer and
15 existing customer due diligence something
16 that you discussed with Mr. Cherveny as a
17 general part of your job
18 responsibilities?
19 A. I don't personally recall
20 responding to him.
21 Q. Look at the first bold
22 heading. It says, Lawtrac matters.
23 The next heading down is,
24 Number 1, Naming matters. He points out,

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1 in the first sentence, that, All new
2 customer due diligence and existing
3 customer due diligence and threshold
4 review matters should be named
5 consistently in Lawtrac.
6 And then the last sentences
7 say, Please pay special attention to the
8 misspelling point. This causes havoc
9 when trying to pull up a customer file.
10 Did you ever experience
11 having problems finding customer
12 information in Lawtrac because of
13 misspellings or incomplete files?
14 A. No, I don't recall that.
15 Q. If a customer's due
16 diligence was incorrectly named, though,
17 and you went to go search for it, would
18 you have been able to find it as part of
19 your due diligence process?
20 A. Most likely, yes. Because I
21 could research it by DEA license.
22 Q. What did you think Mr.
23 Cherveny was referring to when he
24 referenced misnaming of files causing

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1 havoc in customer files?
2 MR. NICHOLAS: Object to the
3 form. Lack of foundation.
4 THE WITNESS: It appears
5 he's just ensuring that we're all
6 on the same page and naming the
7 matters the same across the board.
8 BY MR. CLUFF:
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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[REDACTED]

Page 192

[REDACTED]

18 BY MR. CLUFF:

19 Q. Does this refresh your

20 recollection at all about when the Form

21 590 problem was first identified?

22 A. No, it does --

23 MR. NICHOLAS: Object to the

24 form.

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[REDACTED]

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1 THE WITNESS: No, it does

2 not.

3 BY MR. CLUFF:

4 Q. But the accuracy and

5 completeness of information on the Form

6 590 was at least something that you were

7 discussing in the CSRA department as

8 early as February of 2015, correct?

9 MR. NICHOLAS: Object to the

10 form.

11 THE WITNESS: It could have

12 been.

13 BY MR. CLUFF:

14 Q. I want you to look at the

15 second-to-last paragraph on the third

16 page, which ends in 443.

17 The paragraph that starts, I

18 don't want to send the wrong message.

19 He says, in the

20 second-to-last sentence, It's very

21 important that we be consistent and

22 detail oriented with all of our due

23 diligence records.

24 MR. NICHOLAS: You don't

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1 want to read the first two
2 sentences to him?
3 MR. CLUFF: Sure, Bob.
4 BY MR. CLUFF:
5 Q. For the most part, the
6 matters I reviewed here were very clear
7 and complete.
8 Then he continues, It's very
9 important that we be consistent and
10 detail oriented with all of our due
11 diligence records. Taking these steps
12 will help to preserve the integrity and
13 contribute to the overall success of our
14 OMP program.
15 Did I read that accurately?
16 A. Yes.

[REDACTED]

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[REDACTED]

Page 196

[REDACTED]

Page 197

[REDACTED]

5 MR. CLUFF: Let's go off the
6 record, and we'll break for lunch.
7 VIDEO TECHNICIAN: Off the
8 record at 12:41 p.m.
9 - - -
10 (Whereupon, a luncheon
11 recess was taken.)
12 - - -
13 VIDEO TECHNICIAN: We're
14 back on the record at 1:35 p.m.
15 MR. CLUFF: Is counsel for
16 Teva on the phone?
17 MR. MAIER: Yes.
18 MR. CLUFF: I wanted to give
19 you a heads up that I'm going to
20 ask Mr. Kreutzer about some
21 Teva-produced documents, all of
22 which he is either an author or
23 recipient of.
24 I'm going to lay some

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1 foundation to establish that he
2 worked through the scope of these
3 e-mails and documents, but I
4 wanted to give you the list now so
5 you can look at them. I don't
6 anticipate that you'll have an
7 objection, because he's an author.
8 But do you want to write these
9 down really quick?
10 MR. MAIER: Yes, that would
11 be great. Thank you.
12 MR. CLUFF: So all of these
13 have the same Teva_MDL-A prefix,
14 I'll just give you the number of
15 the lead document.
16 The first one is 0233-1299.
17 MR. MAIER: Okay.
18 MR. CLUFF: The second one
19 is 06441441.
20 MR. MAIER: I'm sorry, can
21 you repeat that one?
22 MR. CLUFF: Yeah. It's
23 06441441.
24 MR. MAIER: Okay.

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1 MR. CLUFF: The next one is
2 0233-1346.
3 MR. MAIER: Okay.
4 MR. CLUFF: After that, it's
5 0233-1426.
6 And we included the
7 attachments to all of those, if
8 they had one. I think they all
9 did. And if they had multiple
10 attachments, we did our best to
11 make sure they were all included.
12 MR. MAIER: Okay.
13 MR. CLUFF: So take a look.
14 Just wanted you to be aware so
15 there weren't any surprises or,
16 you know, problems with them.
17 But as I said, I'm going to
18 lay a foundation and he's the
19 author on all of those.
20 MR. MAIER: Okay.
21 BY MR. CLUFF:
22 Q. So, Mr. Kreutzer, we're back
23 on the record again. As before, you're
24 still under oath.

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1 So earlier we talked about
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 A. No, I do not.
23 Q. And I understand that there
24 is a privilege being asserted on some of

Page 201

1 the work that FTI did in 2015 for
2 AmerisourceBergen. I just want to remind
3 you of that. So don't testify to
4 anything that you learned from your
5 lawyers about those parameters.
6 And your lawyer is free to
7 interpose an objection, but I just wanted
8 to all be clear that I have some
9 questions about your understanding, but I
10 don't want attorney communications.
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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[REDACTED]

Page 208

[REDACTED]

Page 207

[REDACTED]

Page 209

[REDACTED]

Page 210

[REDACTED]

Page 212

[REDACTED]

as opposed to a
24 threshold review?

Page 211

[REDACTED]

Page 213

[REDACTED]

Page 214

[REDACTED]

Page 216

[REDACTED]

Page 215

[REDACTED]

Page 217

[REDACTED]

Page 218

1 [REDACTED]

2 Q. Okay. All right. We

3 previously discussed that you briefly

4 worked at Teva, correct?

5 A. Yes.

6 Q. And that you worked under

7 Colleen McGinn; is that right?

8 A. Yes.

9 Q. In fact, I think you

10 testified that she actually interviewed

11 you for the job?

12 A. Correct.

13 Q. Did you -- do you recall

14 interviewing with anybody else during the

15 time you worked at Teva, or before you

16 got the job at Teva?

17 A. I do believe I met with two

18 other individuals.

19 Q. Who were they?

20 A. Mike Edwards, I believe.

21 And there was an individual in customer

22 service, the manager there that I

23 interviewed with, which I cannot remember

24 her name.

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1 Q. Who was Mike Edwards?

2 A. He was just another person

3 that reported to Colleen. I don't

4 remember his title.

5 Q. I may have asked this

6 already, and if I did, I apologize.

7 But do you recall what

8 Colleen McGinn's title was?

9 A. I don't know exactly.

10 Diversion operations director. I know

11 she had a director title.

12 Q. Do you recall if she was the

13 head of DEA compliance?

14 A. Yes.

15 Q. So she would have been the

16 director of DEA compliance?

17 A. Correct.

18 Q. Do you recall working with

19 Colleen McGinn on developing Teva's

20 suspicious order monitoring program?

21 A. I do.

22 MR. MAIER: Object to form.

23 BY MR. CLUFF:

24 Q. What do you recall about the

Page 220

1 work you did with Colleen McGinn on

2 developing the suspicious order

3 monitoring program for Teva?

4 A. She had wanted me to work

5 with the IT group internally, as well as

6 an individual outside the company, for

7 which they had a system already in place.

8 I believe they were the developers of a

9 new -- of this system. And she had

10 wanted me to work with him.

11 Q. Do you recall his name?

12 A. I believe it was Bob

13 Williamson.

14 Q. Do you recall what company

15 he worked for?

16 A. Buzzeo, I believe.

17 Q. And is that the company that

18 you recall that had a system that they

19 could roll out with Teva?

20 A. Yes.

21 Q. Do you recall having

22 meetings with Bob Williamson?

23 A. Yes. At least once.

24 Q. As part of the work you did

Page 221

1 for Colleen McGinn, did you have

2 meetings, or at least prepare for

3 meetings, with Mallinckrodt?

4 MR. MAIER: Object to form.

5 THE WITNESS: I believe we

6 did meet Mallinckrodt in person.

7 BY MR. CLUFF:

8 Q. Do you recall scheduling

9 meetings with the big four distributors?

10 A. Yes.

11 MR. MAIER: Object to form.

12 BY MR. CLUFF:

13 Q. Do you have a recollection,

14 at the time you worked at Teva, who the

15 big four distributors were?

16 A. I know it was ABC, McKesson,

17 Cardinal. And I'm not sure if the fourth

18 was Morris -- it might have been Morris

19 Dickson or HD Smith, one of the two.

20 Q. As part of your work for

21 Colleen McGinn, do you recall ever

22 putting together SOM, or suspicious order

23 monitoring, training programs or

24 presentations?

<p style="text-align: right;">Page 222</p> <p>1 A. I had -- I had presented 2 three presentations, yes. 3 Q. And what were those 4 presentations about? 5 A. It was the -- I believe Bob 6 Williamson helped me develop the 7 presentation. It was about the current 8 issues with the opioid crisis and some 9 other stats. 10 Q. And who did you give those 11 presentations to? 12 A. One was to Colleen's group. 13 Another was the customer service group. 14 And then one I gave to the customer 15 service manager individually. 16 Q. And Colleen's group was the 17 DEA compliance group? 18 A. Yes. 19 Q. At Teva, based on your work 20 there, do you recall that customer 21 service was responsible for a portion of 22 Teva's suspicious order monitoring 23 program? 24 MR. MAIER: Object to the</p>	<p style="text-align: right;">Page 224</p> <p>1 an attachment to this e-mail that 2 is titled, Teva relaunch.zip. 3 I've included those 4 documents with the e-mail, to the 5 best of my ability. Some of them 6 have a designation, file produced 7 natively. The total document runs 8 through 02331320. 9 BY MR. CLUFF: 10 Q. Mr. Kreutzer, this is a 11 longer document. I'm not going to ask 12 you questions about every page. 13 So rather than us waste your 14 time with you going through every page of 15 it, which you're free to do if you 16 desire, what I was going to propose is 17 that I point to you the places in the 18 document where I'd like to discuss with 19 you. And then when we get there, if you 20 feel like you need to review that page or 21 that piece of this document, you can let 22 me know, and we can give you a minute or 23 two off the record to do that. 24 Does that sound like a</p>
<p style="text-align: right;">Page 223</p> <p>1 form. 2 THE WITNESS: A small part, 3 yes. 4 BY MR. CLUFF: 5 Q. Is that why you would have 6 been presenting to that group about 7 suspicious order monitoring? 8 A. Perhaps. 9 Q. Okay. 10 MR. MAIER: Object to form. 11 BY MR. CLUFF: 12 Q. I'll hand you a copy of what 13 we'll mark as Number 3. 14 - - - 15 (Whereupon, 16 AmerisourceBergen-Kreutzer 17 Exhibit-3, 18 Teva_MDL_A_(0)233-1299-320, was 19 marked for identification.) 20 - - - 21 MR. CLUFF: For counsel on 22 the phone, this is the first Teva 23 document that I mentioned. It's 24 Teva_MDL_A_(0)233-1299. There's</p>	<p style="text-align: right;">Page 225</p> <p>1 workable proposal? 2 A. That's fair. 3 Q. Thank you. 4 Let's start on the first 5 page, which is the e-mail from Robert 6 Williamson. If you look up at the top 7 there, it's from Robert Williamson to 8 you, Colleen McGinn and LeRoy Simoes. 9 I'm probably not saying that right. 10 Why don't you go ahead and 11 review this cover e-mail? 12 A. Okay. Good. 13 Q. So I want to look at the 14 first full paragraph there under the good 15 morning salutation. 16 So the person writing the 17 e-mail is Robert Williamson. I believe 18 you referred to him as Bob. Is it okay 19 if I refer to him as Bob? 20 A. Sure. 21 Q. Not to be confused with your 22 esteemed lawyer here. 23 He says, I've attached some 24 documents that we previously worked on.</p>

<p style="text-align: right;">Page 226</p> <p>1 Do you recall if the "we" he 2 was discussing was Buzzeeo and Teva, or if 3 he meant just employees at Teva? 4 A. I'm not sure. 5 Q. He continues and says that, 6 These documents may be useful for this 7 morning's call. If not, they surely will 8 be when he comes to meet with you -- 9 "you" being Kevin. 10 Do you see that? 11 A. Yes. 12 Q. So without requiring you to 13 review all these documents, do you recall 14 having calls with employees from Buzzeeo 15 about suspicious order monitoring? 16 A. I do recall speaking with 17 Bob. But I don't remember much about 18 those calls. 19 Q. Do you recall having a 20 meeting with him some time in late 21 January or early February of 2013? 22 A. We did meet. 23 Q. What was the substance of 24 that meeting?</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. Why were you trying to 2 enhance it? 3 A. Just like with any system, 4 you're always trying to enhance the 5 system as it goes on. 6 Q. In 2013 -- actually, I 7 believe we discussed earlier the time 8 period during which you worked at Teva, 9 and I think you said that you joined that 10 company in 2012 and you worked there for 11 three months. 12 Looking at the date in this 13 e-mail, which is January 2013, does that 14 refresh your recollection about how long 15 you would have worked at Teva? 16 A. It does. 17 Q. So is it possible that you 18 worked until the middle of 2013 instead 19 of middle of 2012? 20 A. I started January 7th, as I 21 indicated previously, but I may have said 22 2012. So it was 2013 until April 1st, 23 2013. 24 Q. So your recollection is that</p>
<p style="text-align: right;">Page 227</p> <p>1 A. I don't remember 2 specifically. I really don't remember 3 the content. 4 Q. Okay. I mean, as a general 5 matter, do you recall why you and Colleen 6 were meeting with Buzzeeo during this time 7 period? 8 MR. MAIER: Object to form. 9 THE WITNESS: Yes. My 10 understanding is that we were 11 trying to develop an SOM program, 12 or a system, or a more enhanced 13 system than they currently had. 14 BY MR. CLUFF: 15 Q. Was it your understanding 16 that Teva did not have a well-developed 17 SOM system in 2013? 18 MR. MAIER: Object to form. 19 THE WITNESS: No, I don't 20 believe that. I know they had a 21 system in place, but I believe we 22 were trying to enhance that 23 system. 24 BY MR. CLUFF:</p>	<p style="text-align: right;">Page 229</p> <p>1 you started in January 2013 instead of 2 2012? 3 A. That is correct. 4 Q. Understood. 5 And so you would have worked 6 until approximately April of 2013? 7 A. April 1st. 8 Q. Okay. Understood. 9 In the months that you 10 worked at Teva, do you think you 11 developed a pretty good working 12 understanding of Teva's suspicious order 13 monitoring system? 14 MR. MAIER: Object to form. 15 THE WITNESS: I felt like I 16 had a good understanding of their 17 system in place. 18 BY MR. CLUFF: 19 Q. Did you feel like it was a 20 robust system? 21 MR. MAIER: Object to form. 22 THE WITNESS: I felt like it 23 was a good system that they had. 24 BY MR. CLUFF:</p>

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1 Q. Did you feel like it was
2 complying with all of the rules and
3 regulations for manufacturing controlled
4 substances?
5 MR. MAIER: Object to form.
6 THE WITNESS: I believe so.
7 BY MR. CLUFF:
8 Q. I want you to turn back with
9 me ten pages back. There is -- one of
10 the attachments is a document, it
11 should -- my copy is in color, I'm not
12 sure if yours is.
13 But at the top it says,
14 Cegedim relationship management
15 compliance solutions powered by Buzzeeo
16 PDMA. I believe that's a two-page
17 attachment.
18 Do you want to look at that
19 and familiarize yourself with it? I have
20 a few questions for you.
21 MR. MAHADY: 13087?
22 MR. CLUFF: I think that's
23 right. The copy I printed for
24 myself doesn't have the Bates

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1 number.
2 We have it down here, 1308.
3 THE WITNESS: Just 1308 and
4 1309 to look at?
5 MR. CLUFF: Yes.
6 THE WITNESS: Okay.
7 BY MR. CLUFF:
8 Q. So the title of this
9 document, you can see at the top, is,
10 Teva Accounts, quote, Red Flags, closed
11 quote.
12 Do you have any recollection
13 of what this document was that Buzzeeo
14 attached to its cover e-mail for you?
15 A. I do not recollect this
16 document.
17 Q. Do you have any reason to
18 dispute that this is a true and accurate
19 copy of a document that was provided to
20 Teva, or to you while you were employed
21 at Teva?
22 A. I have no reason to doubt
23 that.
24 Q. Are you familiar with the

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1 concept -- or what -- the term that is in
2 quotes there, red flags?
3 MR. MAIER: Object to form.
4 THE WITNESS: Yes.
5 BY MR. CLUFF:
6 Q. What are red flags?
7 A. Red flags may be situations
8 where -- a situation where you would need
9 to take a closer look at.
10 Q. And why would you be taking
11 a closer look at them?
12 A. I can only address what's in
13 this document. And these are the red
14 flags that are addressed in this
15 document.
■ ■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

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■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
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■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]

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1 Q. Do you see here that Buzzeo
2 identified a large percentage of
3 controlled substances versus NCS as a red
4 flag?
5 A. Yes.
6 Q. You disagree with that
7 statement?
8 A. No, I don't disagree.
9 Q. What about going down one
10 more on the list, DEA compliance issues.
11 Do you see that Buzzeo
12 identified DEA compliance issues as a red
13 flag that Teva should be looking at?
14 A. Right.
15 Q. Are you aware that
16 AmerisourceBergen had its registration
17 suspended in 2007?
18 A. Yes.
19 Q. Would you qualify that as a
20 DEA compliance issue?
21 MR. NICHOLAS: Object to the
22 form. Lack of foundation.
23 THE WITNESS: Not
24 necessarily.

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1 BY MR. CLUFF:
2 Q. So in your opinion as a
3 diversion control specialist, having
4 worked at AmerisourceBergen, losing a DEA
5 registration -- let me clarify -- having
6 a DEA registration suspended is not a DEA
7 compliance issue?
8 MR. NICHOLAS: Object to the
9 form. Lack of foundation.
10 THE WITNESS: It could be,
11 based on the results of why the
12 registration was suspended.
13 BY MR. CLUFF:
14 Q. In your work in diversion
15 control since approximately 2009, are you
16 aware that Cardinal Health and McKesson
17 also, at various points, had their
18 registrations suspended?
19 MR. KELLY: Objection.
20 Form.
21 THE WITNESS: I believe so.
22 BY MR. CLUFF:
23 Q. Would you qualify those as
24 DEA compliance issues?

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1 MR. NICHOLAS: Object to the
2 form.
3 THE WITNESS: Could be.
4 BY MR. CLUFF:
5 Q. Was Teva currently
6 monitoring for DEA compliance issues
7 before they received this red flags list
8 from Buzzeo?
9 MR. MAIER: Objection. Form
10 and foundation.
11 THE WITNESS: That, I don't
12 know.
13 BY MR. CLUFF:
14 Q. Let's move down the list
15 three more. It says, Lack of suspicious
16 order monitoring system.
17 Are you aware of any Teva
18 customers that lacked a suspicious order
19 monitoring system?
20 A. I am not.
21 Q. At the time that you
22 received this information from Buzzeo,
23 are you aware if Teva was monitoring for
24 suspicious order monitoring systems by

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1 its customers?
2 A. I believe they were.
3 Q. How about the next one down,
4 Threshold-based suspicious order
5 monitoring system.
6 Do you see that that's a red
7 flag that Buzzeo identified for Teva?
8 A. Yes.
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. Would you agree that based
17 on this list, that should have been a red
18 flag to Teva?
19 A. No, I do not agree.
20 MR. MAIER: Objection.
21 Form.
22 BY MR. CLUFF:
23 Q. But do you agree that Buzzeo
24 identified it as a red flag for Teva?

<p style="text-align: right;">Page 238</p> <p>1 MR. NICHOLAS: Object to the 2 form. Lack of foundation. 3 THE WITNESS: I don't agree 4 with that. 5 BY MR. CLUFF: 6 Q. Buzzeo was hired by Teva, 7 though, to help improve Teva's suspicious 8 order monitoring system, correct? 9 MR. NICHOLAS: Objection. 10 Form. Foundation. 11 MR. MAIER: Object to form. 12 THE WITNESS: Yes. 13 BY MR. CLUFF: 14 Q. But you disagree with their 15 recommendations regarding red flag 16 monitoring? 17 MR. NICHOLAS: Objection to 18 the form. Lack of foundation. 19 THE WITNESS: I don't know 20 what discussions took place, other 21 than the document in front of me. 22 There may have been additional 23 discussions and/or documents that 24 may not be here.</p>	<p style="text-align: right;">Page 240</p> <p>1 MR. MAIER: Objection. 2 Foundation. 3 MR. NICHOLAS: Object to 4 form and foundation. 5 THE WITNESS: I don't agree 6 with that. 7 BY MR. CLUFF: 8 Q. Do you not agree that it is 9 a red flag, is what you're saying? 10 A. I don't agree that it's a 11 red flag. 12 Q. But do you see that Buzzeo 13 recommends it as a red flag? 14 A. I do see that. 15 Q. Do you know whether Teva 16 adopted that portion of the list as part 17 of its suspicious order monitoring 18 system? 19 A. I do not know. And I don't 20 recall this document. 21 Q. Do you see the next major 22 heading down at the bottom of that first 23 page says, Downstream? 24 A. Yes.</p>
<p style="text-align: right;">Page 239</p> <p>1 BY MR. CLUFF: 2 Q. That was actually my next 3 question. 4 Do you know whether Teva 5 adopted this list of red flags for their 6 suspicious order monitoring system? 7 A. I do not. 8 Q. So you're unaware whether 9 Teva decided to monitor its customers for 10 threshold-based systems? 11 A. I do not know. 12 Q. Do you see the next one down 13 on the list is, Customer due diligence 14 deficiencies? 15 A. Yes. 16 Q. We previously talked about 17 the problems with the Form 590 validation 18 project. 19 Would you agree that Teva 20 is -- excuse me, Buzzeo is identifying to 21 Teva due diligence deficiencies like the 22 590 project as a red flag? 23 MR. NICHOLAS: Object to the 24 form.</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. What does that refer to? 2 MR. MAIER: Objection. Form 3 and foundation. 4 THE WITNESS: I'd have to 5 read over this. 6 I'm not sure exactly what 7 that refers to. 8 BY MR. CLUFF: 9 Q. Does it possibly -- based on 10 your understanding of Teva's business 11 model, does it possibly refer to 12 suspicious order monitoring of downstream 13 customers like pharmacies? 14 MR. MAIER: Object to form 15 and foundation. 16 THE WITNESS: I don't know. 17 There's not enough information 18 here for me to make a decision. 19 BY MR. CLUFF: 20 Q. We talked about three issues 21 on this list, DEA compliance issues, 22 threshold-based suspicious order 23 monitoring system, and customer due 24 diligence deficiencies. I think that's</p>

<p style="text-align: right;">Page 242</p> <p>1 Number 2, 6 and 7 on the list. 2 A. Yes. 3 Q. And you said you disagreed 4 that those are red flags. 5 Why do you feel that those 6 are not red flags? 7 MR. NICHOLAS: Object to the 8 form. 9 MR. MAIER: Objection. 10 THE WITNESS: I don't agree, 11 because, first, I don't recall 12 this document; and, second, there 13 may have been changes made to this 14 document that I'm unaware of. 15 BY MR. CLUFF: 16 Q. I guess my question is a 17 little bit different. I'm not asking you 18 whether Teva actually adopted these 19 recommendations. 20 What I was asking is, you 21 know, for example, do you think that a 22 DEA compliance issue with one of Teva's 23 customers should have been a red flag to 24 Teva?</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. How about customer due 2 diligence deficiencies, do you agree that 3 that should be a red flag for Teva about 4 its customers? 5 MR. MAIER: Objection. Form 6 and foundation. 7 MR. NICHOLAS: Same. 8 THE WITNESS: It could be, 9 based on the circumstances. 10 BY MR. CLUFF: 11 Q. I want to point out one 12 more. It says, Distribution to brokers 13 and/or buying groups. 14 Do you understand what a 15 pharmacy buying group is? 16 A. We do have pharmacy buying 17 groups, but I'm not really familiar with 18 the complete definition. 19 Q. But AmerisourceBergen does 20 distribute to buying groups? 21 A. Correct. 22 Q. What about distribution to 23 repackagers and relabelers, do you know 24 what repackagers and relabelers are?</p>
<p style="text-align: right;">Page 243</p> <p>1 MR. MAIER: Objection. 2 Form. 3 THE WITNESS: It could be, 4 based on the circumstances. 5 BY MR. CLUFF: 6 Q. How about a threshold-based 7 suspicious order monitoring system, do 8 you feel that that should have been a red 9 flag to Teva about its customers? 10 MR. MAIER: Objection. 11 Form. 12 MR. NICHOLAS: Same 13 objection. And lack of 14 foundation. 15 THE WITNESS: I don't think 16 so. 17 BY MR. CLUFF: 18 Q. Why not? 19 A. I don't think so because 20 just because an account has a 21 threshold -- or a supplier has a 22 threshold-based system doesn't mean that 23 the customers are aware of those 24 thresholds.</p>	<p style="text-align: right;">Page 245</p> <p>1 A. I don't recall any customers 2 offhand. 3 Q. Do you know if 4 AmerisourceBergen distributes to 5 repackagers or relabelers? 6 A. I can't think of one 7 customer at the moment. 8 Q. Does AmerisourceBergen, the 9 parent company, have any other business 10 segments that might qualify as 11 repackagers or relabelers, based on your 12 understanding of those terms? 13 MR. NICHOLAS: Object to the 14 form. Lack of foundation. 15 THE WITNESS: I just don't 16 know. I don't know those 17 customers. 18 BY MR. CLUFF: 19 Q. The last term on this list 20 is suspicious activity, on the first 21 page, just above downstream. 22 Do you see that? 23 A. Yes. 24 Q. Do you know what suspicious</p>

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1 activity Buzzeo might have been referring
2 to with that --
3 MR. MAIER: Objection. Lack
4 of foundation.
5 BY MR. CLUFF:
6 Q. -- with that bullet?
7 A. I do not.
8 Q. If you turn two pages back
9 in the document, the Bates number is
10 ending in 1310. The top heading is,
11 Compliance solutions powered by Buzzeo
12 PDMA. It looks like that document is
13 four pages long, and ends at 1313.
14 I can tell you, I have just
15 a couple of questions for you and they
16 are about the comment boxes that appear
17 in the right-hand margin, which are on
18 the second and third page.
19 So you can review that
20 document, but that's the -- that's where
21 I'm going to focus.
22 A. Okay.
23 Q. Do you have any
24 understanding of what this document is?

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1 A. Just other than the title.
2 Q. What does the title indicate
3 to you?
4 A. SOM SOP template. So I'm
5 assuming it's suspicious order monitoring
6 standard operating procedures.
7 Q. And would these be a
8 template that Buzzeo was providing to
9 Teva as part of its suspicious order
10 monitoring policies?
11 MR. MAIER: Objection.
12 Foundation.
13 THE WITNESS: I don't -- I
14 don't remember this document.
15 BY MR. CLUFF:
16 Q. Turning to the second page,
17 which is 1311, there's a Paragraph Number
18 4 that says, Responsibility.
19 And under that, in bold
20 italics, it says, DEA compliance,
21 question mark. DEA compliance and
22 customer service, question mark.
23 And I'll note that there is
24 a comment box that pops out from service,

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1 with a dotted line. It says, Comment,
2 bracket, RB1, closed bracket.
3 Do you know what RB would
4 have stood for?
5 A. I do not.
6 Q. And the comment says, What
7 about limiting responsibility to DEA
8 compliance?
9 Do you know what that refers
10 to?
11 A. No. I don't recall this
12 document.
13 Q. Let's flip to the next page,
14 which ends in 1312.
15 Looking at Paragraph 8,
16 Clearing an order from suspicion.
17 Subparagraph 8.2 says, All orders will be
18 initially investigated by customer
19 service representatives.
20 And there's another comment
21 box, again, RB2.
22 Does that refresh your
23 recollection about who RB2 might be?
24 A. No. I don't know who RB is.

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1 Q. And then there are three
2 questions there. Should this only be in
3 this department? What about DEA
4 compliance? Should they have primary
5 role?
6 Do you have any
7 understanding about what those questions
8 are about?
9 A. No.
10 Q. Do you have any recollection
11 of a discussion at Teva about whether
12 customer service versus DEA compliance
13 should have responsibility for suspicious
14 order policies and procedures?
15 MR. MAIER: Objection.
16 Form.
17 THE WITNESS: I don't recall
18 a discussion being made.
19 BY MR. CLUFF:
20 Q. Do you recall who had
21 primary responsibility for things like
22 suspicious order monitoring and clearing
23 suspicious orders?
24 A. I know I reviewed them when

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1 I was in that role.
2 Q. And what were you reviewing
3 them for at the time?
4 A. According to the documents,
5 for pended orders, I was reviewing for a
6 pattern and if a drug was pended before.
7 Q. What does it mean to be
8 pended?
9 A. I'm assuming that means when
10 the order goes into review status.
11 - - -
12 (Whereupon,
13 AmerisourceBergen-Kreutzer
14 Exhibit-4,
15 Teva_MDL_A_(0)233-1346-348, was
16 marked for identification.)
17 - - -
18 MR. CLUFF: I put a sticker
19 on my copy so -- I'll give you the
20 next document, which we marked as
21 4.
22 For those on the phone, this
23 is Teva_MDL_A_(0)233-1346. It has
24 an attachment which begins at 1347

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1 and continues to 1348.
2 BY MR. CLUFF:
3 Q. This is a short document,
4 Mr. Kreutzer, so go ahead and familiarize
5 yourself with it.
6 A. Okay.
7 Q. Starting at the top, this is
8 an e-mail you wrote to Colleen McGinn,
9 February 4, 2013. Subject: Questions
10 for Mallinckrodt, with the attachment
11 Mallinckrodt February 7.
12 And you write, Thanks, I was
13 working on it -- I was actually working
14 on it so they were in a more organized
15 manner.
16 Do you recall receiving and
17 sending this e-mail to Colleen?
18 A. I do not.
19 Q. Do you have any reason to
20 dispute that this is a true and accurate
21 copy of an e-mail that you received from
22 Colleen and then replied to?
23 A. No.
24 Q. Looking at the attachment

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1 that starts on (0)2331347, have you ever
2 seen that document before?
3 A. I don't recall this
4 document.
5 Q. Do you recall preparing it
6 at all?
7 A. I don't recall preparing it
8 either.
9 Q. But do you generally recall
10 preparing for a meeting with Mallinckrodt
11 in February of 2013?
12 A. I do, but I don't remember
13 the content, what information we were
14 preparing for our visit.
15 Q. Do you have any reason to
16 dispute that this is a true and correct
17 copy of an e-mail that you -- I mean, a
18 document that you and Colleen McGinn
19 worked on together in February of 2014?
20 A. No, I don't.
21 Q. The subject matter of this
22 e-mail is, Questions for Mallinckrodt.
23 Do you see that at the top?
24 A. Yes.

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1 Q. And then turning to the
2 title of the attachment, it says,
3 Mallinckrodt, February 7, 2013 visit-SOM
4 program.
5 A. Yes.
6 Q. Would this, then, reflect
7 questions Teva was going to ask
8 Mallinckrodt in a meeting about its SOM
9 program?
10 A. Yes, I believe so.
11 Q. Do you recall whether, in
12 2013, Teva was coordinating the
13 enhancements to its suspicious order
14 monitoring program with Mallinckrodt?
15 A. I don't recall that.
16 Q. Based on this e-mail and the
17 questions here that are attached to that
18 e-mail, do you have any understanding
19 that Teva was coordinating its suspicious
20 order monitoring program with
21 Mallinckrodt?
22 A. No, I don't.
23 MR. MAIER: Form.
24 Foundation.

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1 BY MR. CLUFF:
2 Q. What about an understanding
3 of enhancing its program in coordination
4 with Mallinckrodt?
5 A. I don't recall that.
6 Q. Do you recognize the name
7 Jack Crowley?
8 A. I don't remember his name.
9 Where do you see his name?
10 Q. It's a name I have in my
11 head that I was curious if you
12 understand.
13 Do you know if Colleen
14 McGinn talked to anybody at any other
15 manufacturers about Buzzeo or suspicious
16 order monitoring?
17 A. No, I don't.
18 MR. MAIER: Objection.
19 Foundation.
20 BY MR. CLUFF:
21 Q. In the work that you did
22 with Colleen on enhancing Teva's
23 suspicious order monitoring program, did
24 you communicate with anybody from any

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1 other manufacturers?
2 A. AmerisourceBergen.
3 Q. That's a distributor though,
4 right?
5 A. I'm sorry. I misunderstood
6 the question.
7 You said manufacturers?
8 Q. Yes.
9 A. I did conduct an audit of
10 Cardinal's program.
11 Q. That's also a distributor,
12 right?
13 A. Yes. I'm sorry.
14 Q. So did you personally meet
15 with anybody from a manufacturer like
16 Purdue or Actavis or Endo --
17 A. I have not, no.
18 Q. You did mention, though,
19 that you met -- you conducted an audit of
20 Cardinal Health.
21 What was that?
22 A. They were providing me a
23 PowerPoint presentation of their order
24 monitoring program.

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1 Q. Do you recall what time
2 frame that was?
3 A. I do not, but it was within
4 my 90 days between January and end of
5 March.
6 Q. And you mentioned
7 AmerisourceBergen, what about -- can you
8 tell me what happened with
9 AmerisourceBergen?
10 A. Conducted an audit. It was
11 a questionnaire that we presented to Ed
12 Hazewski. I was with Bob Mallinckrodt --
13 not Bob Mallinckrodt, Bob Williamson on
14 my visit with Ed.
15 Q. And that's Bob Williamson
16 from Buzzeo?
17 A. That is correct.
18 Q. So together you conducted an
19 audit, using a questionnaire, of
20 Amerisource's programs?
21 A. Correct.
22 Q. Did you -- going back to
23 this attachment, the Mallinckrodt
24 February -- Mallinckrodt February 7, 2013

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1 visit, did you go -- do you know if this
2 meeting happened between Teva and
3 Mallinckrodt on February 7th?
4 A. It did.
5 Q. Did you attend the meeting?
6 A. I did.
7 Q. So you're aware of these
8 questions that were asked to Mallinckrodt
9 by Teva?
10 A. I'm sure we did use these
11 questions as part of our visit, but I
12 don't remember their responses.
13 Q. Do you recall if these
14 questions were asked to Mallinckrodt
15 because Teva was looking for advice on
16 how to structure its own SOM program?
17 MR. MAIER: Objection.
18 Form.
19 THE WITNESS: No, I don't
20 know that.
21 BY MR. CLUFF:
22 Q. Do you have any reason to
23 dispute that Teva was asking for guidance
24 on establishing an SOM program?

<p style="text-align: right;">Page 258</p> <p>1 A. Teva was looking to enhance 2 their order monitoring program. 3 Q. And was this meeting part of 4 the effort to enhance the program? 5 A. I don't know. 6 Q. Okay. Do you have any 7 recollection of why this meeting happened 8 with Mallinckrodt? 9 A. I do not remember. 10 Q. Looking under the category 11 general there, it's underlined at the 12 top. 13 The first question is, Can 14 you describe the SOM program you have in 15 place? 16 Would you agree here that 17 Teva was asking Mallinckrodt to describe 18 its SOM program? 19 A. Yes. 20 Q. The next question down is, 21 How did you roll out your program to 22 customers? 23 Is that correct? 24 A. Yes.</p>	<p style="text-align: right;">Page 260</p> <p>1 occurring in February 2013? I think the 2 question is, Do you have a risk analysis 3 of customers that are less of a threat 4 than others? 5 And there's a bullet point 6 there, For example, AmerisourceBergen, 7 Cardinal and McKesson, less than a threat 8 than a small distributor and retail 9 pharmacy chain. 10 Is that right? Did I read 11 it accurately? 12 A. That is correct, yes. 13 Q. In February of 2013, were 14 you aware that AmerisourceBergen, 15 Cardinal and McKesson had all, at various 16 times, had their registrations to 17 distribute controlled substances 18 suspended? 19 MR. KELLY: Object to the 20 form. 21 MR. NICHOLAS: Object to the 22 form. And foundation. 23 THE WITNESS: I don't recall 24 the suppliers having their</p>
<p style="text-align: right;">Page 259</p> <p>1 Q. Moving down a few it says, 2 Have you had any pushback? 3 Do you recall if 4 Mallinckrodt described any pushback about 5 its SOM program? 6 A. I do not remember. 7 Q. The next one down is, How do 8 you handle noncompliance issues? 9 Do you recall if 10 Mallinckrodt discussed any noncompliance 11 issues? 12 A. No, I do not. 13 Q. And then what about the last 14 bullet point there, it says, What kind of 15 training did you perform? Customer 16 service? SOM employees? 17 Do you recall discussing 18 that? 19 A. No, I don't. 20 Q. Under customer due 21 diligence, do you see that? It's the 22 second underlined heading. 23 A. Yes. 24 Q. And you recall that this was</p>	<p style="text-align: right;">Page 261</p> <p>1 licenses suspended. 2 BY MR. CLUFF: 3 Q. You don't recall that these 4 suppliers had their licenses suspended? 5 MR. NICHOLAS: Object to the 6 form. 7 THE WITNESS: I do not 8 recall. 9 BY MR. CLUFF: 10 Q. If you knew at the time, in 11 2013, that Amerisource, Cardinal and 12 McKesson had all had their licenses 13 suspended, would you have classified them 14 as a lower threat than smaller 15 distributors? 16 MR. NICHOLAS: Object to the 17 form. 18 Go ahead. 19 THE WITNESS: I don't 20 recall. 21 BY MR. CLUFF: 22 Q. There's a note here about 23 retail pharmacy chains. 24 What companies come to mind</p>

<p style="text-align: right;">Page 262</p> <p>1 as examples of retail pharmacy chains?</p> <p>2 MR. NICHOLAS: Object to the</p> <p>3 form.</p> <p>4 THE WITNESS: I don't</p> <p>5 remember the pharmacy chains that</p> <p>6 Teva serviced.</p> <p>7 BY MR. CLUFF:</p> <p>8 Q. I'm asking just your general</p> <p>9 recollection, who would be -- like,</p> <p>10 qualify as a pharmacy chain?</p> <p>11 A. Rite Aid. Walgreens.</p> <p>12 Q. CVS?</p> <p>13 A. CVS, perhaps.</p> <p>14 Q. How about Walmart?</p> <p>15 A. Walmart.</p> <p>16 Q. Were you aware that any of</p> <p>17 the retail pharmacy chains, prior to</p> <p>18 2013, had paid fines to the DEA for not</p> <p>19 fulfilling their regulatory obligations</p> <p>20 under the Controlled Substances Act?</p> <p>21 MR. MAIER: Object to form.</p> <p>22 MR. NICHOLAS: Foundation</p> <p>23 and form.</p> <p>24 THE WITNESS: I don't recall</p>	<p style="text-align: right;">Page 264</p> <p>1 Form and foundation.</p> <p>2 THE WITNESS: According to</p> <p>3 what's on the form that's in front</p> <p>4 of me.</p> <p>5 BY MR. CLUFF:</p> <p>6 Q. Skipping down two bullet</p> <p>7 points, it says, How do you determine how</p> <p>8 high a threshold should be? Do you make</p> <p>9 a threshold adjustment if warranted? How</p> <p>10 is that done?</p> <p>11 Would you agree here that</p> <p>12 Teva is asking Mallinckrodt here for</p> <p>13 advice on setting thresholds and</p> <p>14 adjusting them?</p> <p>15 MR. MAIER: Object to form.</p> <p>16 THE WITNESS: I don't recall</p> <p>17 the discussions that were</p> <p>18 discussed with Mallinckrodt.</p> <p>19 BY MR. CLUFF:</p> <p>20 Q. But at least this document</p> <p>21 reflects that it was a topic that Teva</p> <p>22 wanted to discuss with Mallinckrodt,</p> <p>23 right?</p> <p>24 A. It was a question that was</p>
<p style="text-align: right;">Page 263</p> <p>1 the certain pharmacies and chains,</p> <p>2 no.</p> <p>3 BY MR. CLUFF:</p> <p>4 Q. If you had been aware, in</p> <p>5 2013, that retail pharmacy chains had</p> <p>6 paid fines for failing to fulfill their</p> <p>7 duties under the CSA, would you have</p> <p>8 classified them as lower risk than other</p> <p>9 distributors?</p> <p>10 MR. NICHOLAS: Object to the</p> <p>11 form.</p> <p>12 THE WITNESS: I don't know.</p> <p>13 I would have to discuss that with</p> <p>14 the management team.</p> <p>15 BY MR. CLUFF:</p> <p>16 Q. Moving down the document,</p> <p>17 there's an outline -- an underlined</p> <p>18 heading that says, Order review.</p> <p>19 It says, Teva's SOM program</p> <p>20 is based on two standard deviations above</p> <p>21 the average.</p> <p>22 Is that an accurate</p> <p>23 statement?</p> <p>24 MR. NICHOLAS: Objection.</p>	<p style="text-align: right;">Page 265</p> <p>1 posed on the form.</p> <p>2 Q. If you move to the next</p> <p>3 page, which ends in 1348, I'm interested</p> <p>4 in the top two bullet points there.</p> <p>5 The first one, How do you</p> <p>6 determine if a customer exceeded their</p> <p>7 threshold? Do you release orders that</p> <p>8 are over the thresholds?</p> <p>9 Would you agree that Teva</p> <p>10 wanted to seek Mallinckrodt's advice on</p> <p>11 customers exceeding thresholds?</p> <p>12 A. I don't recall that</p> <p>13 discussion.</p> <p>14 Q. But that's what the document</p> <p>15 indicates, correct?</p> <p>16 A. That's what the document</p> <p>17 indicates. And I don't recall if we</p> <p>18 discussed that, or what the results of</p> <p>19 the question was.</p> <p>20 Q. The next one down says, What</p> <p>21 actions do you take if customers are</p> <p>22 exceeding your threshold?</p> <p>23 Do you recall what actions</p> <p>24 Teva took if customers exceeded</p>

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1 thresholds?
2 A. I do not.
3 Q. Do you recall if Teva
4 discussed this with Mallinckrodt?
5 A. I do not.
6 MR. MAIER: Objection. Form
7 and foundation.
8 BY MR. CLUFF:
9 Q. Let's go down to DEA
10 interaction. The first line says, Have
11 you reported any orders deemed, quote,
12 suspicious to DEA?
13 Do you recall if Teva was
14 identifying suspicious orders to the DEA
15 in 2013?
16 A. Yes.
17 Q. They were?
18 A. Yes.
19 Q. Okay.
20 A. I reported it myself.
21 Q. Do you recall if Teva asked
22 Mallinckrodt whether they were reporting
23 suspicious orders to the DEA?
24 MR. MAIER: Objection.

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1 Form.
2 THE WITNESS: I'm sorry,
3 could you ask that question again,
4 please?
5 BY MR. CLUFF:
6 Q. Sure.
7 Do you recall if
8 Mallinckrodt -- if Teva asked
9 Mallinckrodt whether they reported
10 suspicious orders to the DEA?
11 A. I don't recall that.
12 Q. All right. Let's look at
13 the next underline, it's chargeback data.
14 Do you recall we previously
15 today discussed chargeback data in
16 general?
17 MR. NICHOLAS: Object to the
18 form.
19 THE WITNESS: In general,
20 yes.
21 BY MR. CLUFF:
22 Q. It's not a quiz, I was just
23 trying to refresh that we had talked
24 about it.

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1 A. Understood.
2 Q. Does this little paragraph
3 here add any understanding or refresh
4 your recollection at all about what
5 chargeback data is or how it's used?
6 A. I don't remember that.
7 MR. NICHOLAS: Sterling, if
8 we're on to the next -- another
9 document, I'd like to take a
10 break.
11 MR. CLUFF: Is there a
12 reason you would like to take a
13 break?
14 MR. NICHOLAS: I need a
15 break.
16 MR. CLUFF: Yeah, let's take
17 a break.
18 VIDEO TECHNICIAN: Off the
19 record at 2:41 p.m.
20 - - -
21 (Whereupon, a brief recess
22 was taken.)
23 - - -
24 VIDEO TECHNICIAN: We're

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1 back on the record at 2:56 p.m.
2 BY MR. CLUFF:
3 Q. Mr. Kreutzer, you testified
4 that you only worked for Teva for
5 approximately 90 days?
6 A. Yes.
7 Q. How come you decided to
8 leave Teva after only 90 days?
9 A. I was let go.
10 Q. Can you share the reason why
11 you were let go?
12 A. Sure. I was let go because
13 Colleen felt that I wasn't doing the job
14 up to par, I guess.
15 Q. Did she express what part of
16 the job you were not doing up to par?
17 A. She felt like I needed more
18 assistance than I should have had. She
19 was not -- she wasn't directly on site at
20 all times, she was off site at another
21 location. So I was by myself on the job,
22 for the most part.
23 Q. Was there a specific part of
24 your job parameters or job description

<p style="text-align: right;">Page 270</p> <p>1 where she felt that -- where she 2 identified that your performance was 3 lacking? 4 A. One issue was that I took it 5 upon myself to contact a customer 6 directly regarding an order that was 7 pending. But I was previously told that 8 if I had any questions of any customers 9 that I had to go through customer 10 service, and then customer service would 11 then contact the customer with my 12 questions and then relay the answers back 13 to customer service, and then back to me. 14 Q. And so the problem was that 15 if you contacted the customer directly? 16 A. Yes. 17 Q. Was that the straw that 18 broke the camel's back, so to speak? 19 MR. MAIER: Object to form. 20 THE WITNESS: I think it was 21 a good part of it. 22 BY MR. CLUFF: 23 Q. Was there any other -- any 24 other specific information that was</p>	<p style="text-align: right;">Page 272</p> <p>1 by myself. 2 It was a new role for the 3 company, so I had to figure 4 everything out for myself, as far 5 as contact people, and anything 6 else for that matter. 7 BY MR. CLUFF: 8 Q. Did you feel like you 9 were -- that you did not have enough 10 resources to do the job that Teva was 11 asking you to do? 12 A. I was supposed to have a 13 person to -- that was going to report to 14 me when I first received the position. 15 And then that position was taken away, 16 prior to my starting with the company. 17 But other than that, my role 18 was to mainly work with IT, as well as 19 customer service for any customer 20 inquiries that I had. 21 Q. And was your role at Teva 22 essentially the same role that you had 23 had at AmerisourceBergen, that being sort 24 of customer order monitoring and</p>
<p style="text-align: right;">Page 271</p> <p>1 conveyed to you about what Colleen 2 perceived that you had not done 3 adequately enough? 4 A. Well, I don't recall the 5 real specifics. But I had felt that the 6 job duties that were listed for the 7 assignment were above what I -- above my 8 current experience level at the time, and 9 I indicated that to her on my departure. 10 Q. So it was -- I'm trying to 11 understand. 12 Was it your belief at the 13 time that they were requiring more of you 14 than they had advertised during the 15 interview process? 16 A. That was my feelings. 17 Q. Did you feel like you got 18 adequate training to fulfill your job 19 responsibilities when you worked at Teva? 20 MR. MAIER: Object to form. 21 THE WITNESS: I mean, I felt 22 like I did have training, but 23 there wasn't a current department 24 that I worked in. I was literally</p>	<p style="text-align: right;">Page 273</p> <p>1 diversion control? 2 A. It was. But it was also a 3 role to enhance their current SOM program 4 and to develop policies and procedures. 5 Q. How did you feel about the 6 quality of the employees you worked with 7 at Teva? Did you feel like they were 8 qualified to do their jobs? 9 MR. MAIER: Objection. 10 THE WITNESS: I do. 11 BY MR. CLUFF: 12 Q. You mentioned that you felt 13 like Teva expected more from you than 14 they advertised in the interview. 15 Do you feel like Teva 16 expected more out of its other employees 17 than they really were qualified to give? 18 A. That, I don't know. 19 MR. MAIER: Form. 20 Foundation. 21 MR. CLUFF: I want to show 22 you a document. This is produced 23 by Teva. It's 24 Teva_MDL_A_(0)233-1426. That's</p>

<p style="text-align: right;">Page 274</p> <p>1 the e-mail with an attachment. 2 The attachment begins 3 Teva_MDL_A_(0)233-1428. It's a 4 natively produced Bates number -- 5 excuse me, it's a natively 6 produced PowerPoint, so it all has 7 the same Bates number. 8 And we'll mark it as Number 9 5. 10 - - - 11 (Whereupon, 12 AmerisourceBergen-Kreutzer 13 Exhibit-5, 14 Teva_MDL_A_(0)233-1426-428, was 15 marked for identification.) 16 - - - 17 MR. CLUFF: I'm going to 18 have some questions for you about 19 specific slides. But why don't 20 you go ahead and review just the 21 cover e-mail to start? 22 MR. MAHADY: Sterling, if 23 you know, did the attachment have 24 confidentiality designations?</p>	<p style="text-align: right;">Page 276</p> <p>1 Q. Did you say something? 2 A. Not quite yet. 3 MR. CLUFF: My colleague, 4 Will Powers, here who is next to 5 me at the depo, looked in the 6 Relativity database and this 7 document, the attachment is 8 designated as confidential. So we 9 can all agree on that. 10 THE WITNESS: Okay. 11 BY MR. CLUFF: 12 Q. Let's start with your e-mail 13 to Colleen McGinn on March 15th. It's at 14 the bottom of the second page, or middle 15 of the second page. 16 It looks like you asked 17 Colleen to take a look at this 18 PowerPoint, and you describe it as a 19 PowerPoint that Bob came up with. 20 Would that have been Bob 21 Williamson? 22 A. Yes. 23 Q. And it says, in the next 24 sentence, When we met the other day -- is</p>
<p style="text-align: right;">Page 275</p> <p>1 MR. CLUFF: I'm unaware. 2 But if we want to treat it, for 3 purposes of the deposition, as 4 confidential, since the cover 5 e-mail is confidential, I'm okay 6 with that. But I'll defer to 7 Teva's lawyer on this one. 8 Do you know if this 9 PowerPoint would have had a 10 confidentiality designation? 11 MR. MAIER: I believe it 12 would have. I'm not sure what 13 form you're dealing with -- 14 MR. CLUFF: Sure. 15 MR. MAIER: -- you know, 16 what format, so I would request 17 that we would treat it that way. 18 MR. CLUFF: We'll lodge that 19 on the record that this document 20 will be treated as confidential. 21 BY MR. CLUFF: 22 Q. Did you have a chance to 23 review the e-mail, Mr. Kreutzer? 24 A. Not quite yet.</p>	<p style="text-align: right;">Page 277</p> <p>1 that you and Colleen would have met? 2 A. Where do you see that 3 e-mail? 4 Q. The same e-mail. The next 5 sentence says, When we met the other day, 6 you wanted to have a couple slides from 7 Bob that had information regarding fines, 8 et cetera. 9 I was curious if the "we" 10 referred to you and Colleen? 11 MR. MAHADY: The second 12 page. 13 MR. CLUFF: Thanks, Joe. 14 THE WITNESS: I think what I 15 was referring to is -- it was 16 possibly Bob, but I'm not sure. 17 BY MR. CLUFF: 18 Q. In either event, you said, 19 Those slides are now in the presentation, 20 Slides 10, 11 and 12. 21 So those would have been 22 slides that Colleen asked you to include? 23 A. Yes. 24 Q. So moving to the very bottom</p>

<p style="text-align: right;">Page 278</p> <p>1 of the first page, the e-mail from 2 Colleen to you, it continues on to the 3 second page. 4 Would you agree with me it 5 looks like she has some comments about 6 the slides? Does that seem accurate? 7 A. Yes. 8 Q. At the end of that e-mail, 9 it says, You may want to add something in 10 here about evaluating chargeback data in 11 the future. 12 Correct? 13 A. Yes. 14 Q. And then let's skip up two 15 e-mails, and you essentially told her, 16 you know, Slide 23 has the facets and 17 Slide 37 mentioned the bullet points 18 about chargeback data. 19 And she says she wants you 20 to put in some more information about 21 chargeback data, right? 22 A. Yes. 23 Q. So that would be Slide 28, 24 according to your first e-mail?</p>	<p style="text-align: right;">Page 280</p> <p>1 native format. So we printed it 2 as a PDF so that the slide appears 3 in the top half of the page and 4 any speakers notes would have 5 appeared on the bottom half of the 6 page. 7 And we also formatted the 8 footer so that it would reflect 9 the Bates number and a page 10 number, just so that it's -- for 11 ease of reference for the witness 12 to look through. We didn't make 13 any other -- we didn't make any 14 changes to the substance of the 15 document. 16 BY MR. CLUFF: 17 Q. Did you look at Page 8? 18 A. I did, yes. 19 Q. Do you see there, DEA 20 statement is the heading? 21 A. Yes. 22 Q. So there it says, DEA has 23 and will continue to pursue criminal, 24 administrative and civil actions against</p>
<p style="text-align: right;">Page 279</p> <p>1 A. Correct. 2 Q. All right. When you were 3 reviewing the document that I handed you 4 as Exhibit-5, did you flip through the 5 PowerPoint? 6 A. I didn't flip through it 7 yet. 8 Q. Does it look familiar to 9 you? 10 A. Vaguely. 11 Q. And it appeared, based on 12 your first e-mail, this was something 13 that Bob may have drafted initially but 14 then you had some interaction with 15 working on it, correct? 16 A. Correct. 17 Q. Okay. Can you turn to Slide 18 8? It will have an 8 in the bottom 19 right-hand corner. 20 MR. CLUFF: So the lawyers 21 on the phone are aware, when I 22 created this exhibit from the 23 production, as I said, this 24 attachment was produced in its</p>	<p style="text-align: right;">Page 281</p> <p>1 registrants who fail to comply with all 2 aspects of the CSA and its implementing 3 requirements -- or regulations as 4 required. More recent actions include, 5 but are not limited to, actions against 6 wholesale distributors, such as Harvard 7 Drugs, KeySource, CVS, Cardinal, 8 McKesson, Southwood and Sunrise. 9 Are you aware of any 10 enforcement actions against any of those 11 distributors? 12 A. Nothing in particular. 13 Q. We previously talked about 14 the red flags that Buzzeo provided to 15 Teva. And I believe one of them said 16 something about the major distributors 17 like Cardinal, McKesson and Amerisource 18 not being a risk. 19 Would you agree that, based 20 on this DEA statement regarding the 21 enforcement actions against Cardinal and 22 McKesson, that they were maybe a higher 23 risk than some other distributors? 24 MR. KELLY: Objection to</p>

<p style="text-align: right;">Page 282</p> <p>1 form.</p> <p>2 MR. MAIER: Object to form</p> <p>3 and foundation.</p> <p>4 MR. NICHOLAS: Join.</p> <p>5 THE WITNESS: No, I can't</p> <p>6 agree.</p> <p>7 BY MR. CLUFF:</p> <p>8 Q. Why would you disagree with</p> <p>9 that statement?</p> <p>10 A. Why? Because I don't know</p> <p>11 who input this document and where it came</p> <p>12 from and what other discussions were</p> <p>13 discussed on this PowerPoint and if any</p> <p>14 changes were made.</p> <p>15 Q. As a general matter, having</p> <p>16 worked in suspicious order monitoring and</p> <p>17 diversion control since 2009, do you have</p> <p>18 an opinion about whether a company who</p> <p>19 had their -- or who was subject to a DEA</p> <p>20 enforcement action would be high risk</p> <p>21 versus low risk?</p> <p>22 MR. NICHOLAS: Object to the</p> <p>23 form. Lack of foundation.</p> <p>24 THE WITNESS: No.</p>	<p style="text-align: right;">Page 284</p> <p>1 BY MR. CLUFF:</p> <p>2 Q. Based on what's in front of</p> <p>3 you, would you agree that violation of</p> <p>4 the CSA could subject the registrant to</p> <p>5 criminal action?</p> <p>6 MR. NICHOLAS: Object to the</p> <p>7 form. And foundation.</p> <p>8 MR. MAIER: Same objection.</p> <p>9 THE WITNESS: It depends on</p> <p>10 the circumstances.</p> <p>11 BY MR. CLUFF:</p> <p>12 Q. But it's definitely a</p> <p>13 possibility, right?</p> <p>14 MR. NICHOLAS: Object to the</p> <p>15 form.</p> <p>16 MR. MAIER: Same objection.</p> <p>17 THE WITNESS: I wouldn't say</p> <p>18 it's definitely a possibility, but</p> <p>19 it's a possibility.</p> <p>20 BY MR. CLUFF:</p> <p>21 Q. Looking back at the second</p> <p>22 page of this document, which is your</p> <p>23 e-mail to Colleen, you informed her that</p> <p>24 you added Slides 10, 11 and 12, right?</p>
<p style="text-align: right;">Page 283</p> <p>1 MR. MAIER: Same objection.</p> <p>2 THE WITNESS: No, I don't</p> <p>3 have an opinion.</p> <p>4 BY MR. CLUFF:</p> <p>5 Q. Looking at that first line</p> <p>6 of the DEA statement slide, it says, DEA</p> <p>7 has and will --</p> <p>8 MR. CLUFF: Can you</p> <p>9 underline this, Zach, so he can</p> <p>10 see where I'm pointing to?</p> <p>11 BY MR. CLUFF:</p> <p>12 Q. DEA has and will continue to</p> <p>13 pursue criminal, administrative and civil</p> <p>14 actions against registrants.</p> <p>15 Are you aware of what --</p> <p>16 that a violation of a CSA can result in</p> <p>17 criminal action against a registrant?</p> <p>18 MR. MAIER: Objection to</p> <p>19 foundation.</p> <p>20 MR. NICHOLAS: Same</p> <p>21 objection. Form and foundation.</p> <p>22 THE WITNESS: I'm only aware</p> <p>23 of what's highlighted in front of</p> <p>24 me.</p>	<p style="text-align: right;">Page 285</p> <p>1 Do you see that there in the</p> <p>2 first paragraph of your e-mail at the</p> <p>3 bottom?</p> <p>4 The next page.</p> <p>5 A. Yes.</p> <p>6 Q. In the PowerPoint, let's go</p> <p>7 to those slides, 10, 11 and 12.</p> <p>8 I want to focus on Number</p> <p>9 11, if you're there. Go ahead and read</p> <p>10 that for me.</p> <p>11 A. Okay.</p> <p>12 Q. So a little sidebar, your</p> <p>13 lawyers and I had -- we noted that</p> <p>14 Colleen appears to have deleted and maybe</p> <p>15 changed some slides. So the original 10,</p> <p>16 11 and 12 might not be the same 10, 11</p> <p>17 and 12 that you're looking at here.</p> <p>18 So I'll ask you, looking at</p> <p>19 Number 11, is this a slide that you</p> <p>20 recall having drafted?</p> <p>21 A. I don't recall this slide.</p> <p>22 Q. Looking at the top, it says,</p> <p>23 Distributor and manufacturer initiative</p> <p>24 program.</p>

<p style="text-align: right;">Page 286</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Are you familiar with the</p> <p>4 concept of a distributor initiative or a</p> <p>5 manufacturer initiative program?</p> <p>6 A. I am not.</p> <p>7 Q. Looking at the first point</p> <p>8 it says, Established in 2005 to remind</p> <p>9 DEA registrants of regulatory obligation</p> <p>10 to maintain effective controls against</p> <p>11 diversion.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Earlier we talked about</p> <p>15 whether you might have received training</p> <p>16 at AmerisourceBergen, as a diversion</p> <p>17 control specialist, about effective</p> <p>18 controls against diversion.</p> <p>19 Having read this paragraph</p> <p>20 here, do you have any recollection about</p> <p>21 receiving training on effective controls</p> <p>22 against diversion?</p> <p>23 A. At Teva?</p> <p>24 Q. AmerisourceBergen.</p>	<p style="text-align: right;">Page 288</p> <p>1 BY MR. CLUFF:</p> <p>2 Q. Did you have an</p> <p>3 understanding, as a diversion control</p> <p>4 specialist at AmerisourceBergen, that</p> <p>5 part of the way to maintain effective</p> <p>6 controls against diversion was through</p> <p>7 effective due diligence?</p> <p>8 A. I'm aware of effective due</p> <p>9 diligence, yes.</p> <p>10 Q. Was it a part of -- strike</p> <p>11 that.</p> <p>12 How about suspicious order</p> <p>13 reporting, was that a part of</p> <p>14 AmerisourceBergen's efforts to maintain</p> <p>15 effective controls against diversion?</p> <p>16 MR. NICHOLAS: Object to the</p> <p>17 form.</p> <p>18 Go ahead.</p> <p>19 THE WITNESS: Can you ask</p> <p>20 that question -- rephrase that</p> <p>21 question?</p> <p>22 BY MR. CLUFF:</p> <p>23 Q. Was suspicious order</p> <p>24 reporting a part of AmerisourceBergen's</p>
<p style="text-align: right;">Page 287</p> <p>1 A. At AmerisourceBergen.</p> <p>2 I don't recall the specific</p> <p>3 training that I received, but I did</p> <p>4 receive training.</p> <p>5 Q. Looking down at the next</p> <p>6 bold bullet point, it states that, The</p> <p>7 stated goal of the program is to cut off</p> <p>8 the source of supply to these (rogue pain</p> <p>9 clinics, physicians and pharmacies)</p> <p>10 through effective due diligence and</p> <p>11 suspicious order recording.</p> <p>12 Do you have any</p> <p>13 understanding of that being the goal of</p> <p>14 the distributor and manufacturer</p> <p>15 initiatives?</p> <p>16 A. I did not.</p> <p>17 Q. Did you understand, as a</p> <p>18 diversion control specialist at</p> <p>19 AmerisourceBergen, that part of your</p> <p>20 responsibility was to maintain effective</p> <p>21 controls against diversion?</p> <p>22 MR. NICHOLAS: Object to the</p> <p>23 form.</p> <p>24 THE WITNESS: No, I am not.</p>	<p style="text-align: right;">Page 289</p> <p>1 efforts to maintain effective controls</p> <p>2 against diversion?</p> <p>3 MR. NICHOLAS: Objection.</p> <p>4 Because I think you just reread</p> <p>5 it. You didn't rephrase it.</p> <p>6 MR. CLUFF: I took a few</p> <p>7 words out.</p> <p>8 BY MR. CLUFF:</p> <p>9 Q. Did my question make sense</p> <p>10 to you?</p> <p>11 A. Not really.</p> <p>12 Q. As a diversion control</p> <p>13 specialist, did you understand that</p> <p>14 AmerisourceBergen had a duty to identify</p> <p>15 and report suspicious orders?</p> <p>16 A. I do understand that.</p> <p>17 Q. Did you understand that that</p> <p>18 duty arose from the regulatory obligation</p> <p>19 to maintain effective controls against</p> <p>20 diversion?</p> <p>21 MR. NICHOLAS: Object to the</p> <p>22 form.</p> <p>23 Go ahead.</p> <p>24 THE WITNESS: According to</p>

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1 the CFR.
2 BY MR. CLUFF:
3 Q. Can you move forward to
4 Slide Number 15, please? I have some
5 just general questions before we get into
6 the slide.
7 Before you became the
8 diversion control specialist at
9 AmerisourceBergen -- well, in your work
10 as a diversion control specialist at
11 AmerisourceBergen, did you become
12 familiar with AmerisourceBergen's
13 suspicious order monitoring and reporting
14 policy before 2009?
15 A. Before I was hired in the
16 department?
17 Q. Yes. Did you have an
18 understanding of what it was before you
19 were hired?
20 A. No, I did not.
21 Q. Do you know if
22 AmerisourceBergen has always reported
23 suspicious orders to the DEA?
24 A. As far as I know, we have.

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1 Q. Are you aware that prior to
2 2007 -- or aware if, prior to 2007,
3 AmerisourceBergen reported excessive
4 purchases after it identified them as
5 such?
6 A. I'm not aware of that.
7 Q. I want to point your
8 attention to the very last bullet point
9 there.
10 It says, Registrants who
11 routinely report suspicious orders yet
12 fill those orders are failing to maintain
13 effective controls against diversion.
14 Do you see that?
15 A. I do.
16 Q. Do you have any
17 understanding of what that means?
18 A. No. Because I feel like
19 that's a vague statement.
20 Q. Do you know if, at this
21 time, Teva was shipping orders that it
22 reported as suspicious?
23 MR. MAIER: Objection. Form
24 and foundation.

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1 THE WITNESS: No, I do not.
2 BY MR. CLUFF:
3 Q. Do you have any
4 understanding about whether
5 AmerisourceBergen shipped orders that it
6 deemed were suspicious prior to 2015?
7 A. Could you ask that again,
8 please?
9 Q. Sure. So I think -- I used
10 2015, because we talked about there was a
11 change from thresholds to parameters in
12 2015.
13 A. Correct.
14 Q. In your work as a diversion
15 control specialist prior to 2015, are you
16 aware of AmerisourceBergen shipping
17 orders that were deemed suspicious?
18 A. No, I am not.
19 Q. If that happened, would you
20 agree that it was a failure to maintain
21 effective controls against diversion?
22 MR. NICHOLAS: Object to the
23 form.
24 THE WITNESS: No, I do not

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1 agree.
2 BY MR. CLUFF:
3 Q. So your opinion is, based on
4 your work as a diversion control
5 specialist, that if AmerisourceBergen
6 shipped an order that it deemed was
7 suspicious, that would not be a failure
8 to maintain effective controls against
9 diversion?
10 MR. NICHOLAS: Object to the
11 form.
12 THE WITNESS: We would not
13 ship a suspicious order. We would
14 reject it and report it.
15 BY MR. CLUFF:
16 Q. What happens if it's shipped
17 after it's identified as suspicious?
18 MR. NICHOLAS: Object to the
19 form.
20 THE WITNESS: I don't think
21 we can ship a suspicious order.
22 Our system won't allow it.
23 BY MR. CLUFF:
24 Q. Take a look with me at Slide

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1 20. You can go ahead and read that if
2 you'd like to.
3 A. Okay.
4 Q. So you see there it says,
5 System challenges and responses?
6 A. Yes.
7 Q. And the major heading at the
8 top is, Common SOM pitfalls?
9 A. Yes.
10 Q. Do you see there in bold
11 where it says, quote, Threshold, quote,
12 based systems are not sufficient?
13 A. Yes.
14 Q. This document, based on its
15 attachment to this e-mail, was drafted in
16 2013, correct?
17 A. It was included in the
18 document, yes. It came from 2007, it
19 appears.
20 Q. The PowerPoint comes from
21 2007?
22 A. The slide. Well, the DEA
23 memorandum.
24 Q. Right, yeah. Okay. Thank

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1 you. I was going to get to that.
2 You see at the bottom there,
3 where it says this comment about a
4 threshold sytem not being sufficient
5 comes from a December 27, 2007 DEA
6 memorandum?
7 A. Yes.
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 BY MR. CLUFF:
23 Q. So you disagree with the
24 DEA's memorandum?

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1 MR. NICHOLAS: Objection.
2 Objection to the form.
3 THE WITNESS: I agree with
4 the system we currently had in
5 place at the time.
6 BY MR. CLUFF:
7 Q. So you would agree with the
8 system you had in place at the time
9 instead of the December 2007 DEA
10 memorandum?
11 MR. NICHOLAS: Object to the
12 form. You're asking him about a
13 document that he doesn't remember
14 that is quoting something that he
15 hasn't said he's even seen.
16 I'll object to the form.
17 THE WITNESS: I don't -- as
18 Bob stated, I don't remember this
19 document or this slide.
20 MR. CLUFF: Hold on.
21 THE WITNESS: Sorry.
22 MR. CLUFF: Bob, that's a
23 clear example of you coaching this
24 witness and influencing his

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1 testimony. I'm not going to make
2 a big deal about it, because we've
3 had a pretty collegial deposition
4 today.
5 But I'd like to request that
6 that not happen again, please.
7 MR. NICHOLAS: Well, now --
8 MR. CLUFF: I'm going to let
9 you finish. But all I want to say
10 is, we've had this out before,
11 there's no reason for any of us to
12 get upset about it. But
13 objection, form; objection,
14 foundation. You know the proper
15 basis for an objection. You
16 influenced his testimony, and he
17 just used your objection to answer
18 my question. And that's not
19 proper.
20 MR. NICHOLAS: Well, all
21 I'll say in response is that I
22 disagree with your
23 characterization of my objection
24 and his response.

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1 If I think your
2 questions are unfair, I'm going to
3 say I think it's unfair.
4 Now you can proceed.
5 BY MR. CLUFF:
6 Q. Mr. Kreutzer, your attorney
7 is entitled to object. But I'm also
8 entitled to an answer to my question.
9 His objection is not a proper basis for
10 you to give me an answer based on his
11 objection.
12 So let's look at this
13 document again. Quote, Threshold, closed
14 quote, based systems are not sufficient.
15 Is that right?
16 A. That's what it states.
17 Q. Looking down at the bottom
18 section of this document, you identified
19 that this comes from a December 2007 DEA
20 memorandum, correct?
21 MR. NICHOLAS: Object to the
22 form.
23 THE WITNESS: Yes.
24 MR. NICHOLAS: And

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1 foundation.
2 BY MR. CLUFF:
3 Q. Now, do you see the bullet
4 point that immediately precedes that,
5 that says, Do not meet the regulations?
6 A. That's what it states right
7 there.
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 Q. I just have one more slide
16 here to talk to you about. Let me find
17 it.
18 I previously asked you if
19 Teva reported suspicious orders to the
20 DEA.
21 Do you remember that?
22 A. Yes.
23 Q. Look at Slide 38 for me.
24 And I just would point out

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1 to you, the top portion of the slide
2 says, Improving our processes and target
3 dates; is that right?
4 A. Yes.
5 Q. Based on looking at this
6 document, do you believe that this would
7 have been Teva identifying processes that
8 needed to be improved?
9 A. It appears to be.
10 Q. Looking at the first bullet
11 point on that list of things that Teva
12 identified needed to be improved, would
13 you agree with me that it says, Began
14 reporting suspicious orders to the DEA?
15 A. Yes.
16 Q. So prior to February 2013,
17 Teva did not report suspicious orders to
18 the DEA?
19 A. That, I don't know.
20 MR. MAIER: Objection.
21 Form.
22 BY MR. CLUFF:
23 Q. Do you have any reason to
24 disagree with this slide?

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1 A. I can only -- I can only
2 read what's in front of me. I don't know
3 if any orders were reported prior to --
4 from February 2013.
5 Q. Based on the time when you
6 worked at Teva, which I believe you said
7 was January to April 1st, 2013, were you
8 aware that Teva reported suspicious
9 orders prior to February 2013?
10 A. I am not.
11 MR. MAIER: Object to form
12 and foundation.
13 BY MR. CLUFF:
14 Q. Midway down the list there,
15 there's another bullet point that says,
16 Developing SOPs (targeted 03/13).
17 Was it your understanding,
18 based on your work at Teva, that Teva did
19 not have in operation standard operating
20 procedures prior to March of 2013?
21 MR. MAIER: Objection.
22 Form.
23 THE WITNESS: No, I believe
24 they did have some standard

<p style="text-align: right;">Page 302</p> <p>1 operating procedures. But I don't 2 remember which ones they were. 3 BY MR. CLUFF: 4 Q. Okay. Do you have any 5 understanding of why they would have been 6 developing SOPs, then, in 2013? 7 MR. MAIER: Objection. 8 Foundation. 9 THE WITNESS: It may have 10 been further enhancing those SOPs, 11 but I'm not sure. 12 BY MR. CLUFF: 13 Q. Okay. All right. That's 14 all I have for this document. 15 In your work at 16 AmerisourceBergen, I think you testified 17 that you worked with spreadsheets a lot; 18 is that right? 19 MR. NICHOLAS: Object to the 20 form. 21 THE WITNESS: We do work 22 with spreadsheets, yes. 23 BY MR. CLUFF: 24 Q. And that your work with</p>	<p style="text-align: right;">Page 304</p> <p>1 A. Perhaps. 2 Q. Give me one second, and I'll 3 grab these from my little box back here. 4 The first one I want to hand 5 to you is a document produced by 6 AmerisourceBergen, Bates stamped 7 ABDC_MDL_0045077. 8 I will apologize in advance 9 that these spreadsheets are very hard to 10 get onto one page. I've tried my best to 11 do that for you. 12 - - - 13 (Whereupon, 14 AmerisourceBergen-Kreutzer 15 Exhibit-6, ABDC_MDL_0045077, was 16 marked for identification.) 17 - - - 18 MR. CLUFF: We should 19 probably all use the blow-up on 20 the screen to the best of our 21 ability. 22 MR. MAHADY: Sterling, these 23 spreadsheets, can we agree to 24 treat them confidential?</p>
<p style="text-align: right;">Page 303</p> <p>1 spreadsheets was partly to review 2 customer orders when they came up from 3 the distribution centers, correct? 4 A. Which time frame are we 5 referring to? 6 Q. Between 2009 and 2015. 7 A. Yes. 8 Q. Did you ever have occasion 9 to review spreadsheets that reflected 10 orders that were reported to the DEA? 11 A. I don't recall that. 12 Q. Did you have occasion to 13 review spreadsheets that reflected CSRA 14 comments for shipments between 2007 and 15 2012? 16 A. I don't recall that. 17 Q. Did you have occasion to 18 review a history report of all shipments, 19 a spreadsheet that catalogued that 20 information? 21 A. I don't recall. 22 Q. Do you think if I showed you 23 a copy of some of those spreadsheets they 24 would refresh your recollection?</p>	<p style="text-align: right;">Page 305</p> <p>1 MR. CLUFF: Yes, all three. 2 So I'm going to be using 45077, 3 45075 and 45076, and all three 4 will be treated as confidential. 5 BY MR. CLUFF: 6 Q. These are excerpts of 7 voluminous records. They have been 8 selected to identify a single pharmacy, 9 which is Acme Pharmacy Number 30, which 10 is located in Stow, which is within -- 11 off the top of my head, I can't remember 12 if it's Cuyahoga or Summit County, but 13 it's definitely a CT 1 jurisdiction. 14 Looking up on the top left 15 corner -- 16 MR. CLUFF: Can you blow 17 this up, Zach, top left corner? 18 BY MR. CLUFF: 19 Q. -- it says, Reported to DEA, 20 report for all Ohio customers from 21 1/1/2007 to 12/31/2012. 22 Is that a spreadsheet that 23 you would have any familiarity with? 24 A. I don't remember this</p>

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1 spreadsheet.
2 Q. Set that aside for just a
3 second, then. That's okay.
4 I'd like to also hand you
5 another document. It's a native file we
6 converted to PDF. It is Bates marked
7 ABDC_MDL_0045075. I ask that this also
8 be treated as confidential.
9 - - -
10 (Whereupon,
11 AmerisourceBergen-Kreutzer
12 Exhibit-7, ABCD_MDL_0045075, was
13 marked for identification.)
14 - - -
15 MR. CLUFF: Zach, please
16 blow up the top left corner there
17 so we can all read the heading.
18 BY MR. CLUFF:
19 Q. You can see, Mr. Kreutzer,
20 that this document is -- at least the
21 heading there at the top left is, CSRA
22 comments report for all Ohio customers
23 from 1/1/2007 to 12/31/2012.
24 Do you see that?

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1 A. Yes.
2 Q. Is this a report that you
3 have any familiarity with?
4 A. I do not.
5 Q. But you worked in the CSRA
6 department, correct?
7 A. I did.
8 Q. Okay. And so you would have
9 reviewed orders, as part of your work in
10 the CSRA department, to determine if they
11 could be approved or had to be cancelled,
12 correct?
13 A. Correct.
14 MR. CLUFF: Zach, can you
15 remove that blow-up, please? And
16 then over to the right, there is a
17 column that says, User ID. And
18 next to it there's another column
19 that says, Action taken.
20 Can you blow those up,
21 please?
22 BY MR. CLUFF:
23 Q. Looking on the screen in
24 front of you, Mr. Kreutzer, do you see

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1 where it says, User ID, in the top left
2 corner?
3 A. Yes.
4 Q. And underneath that is your
5 first initial and last name, K. Kreutzer?
6 A. Yes.
7 Q. So based on your work as a
8 diversion control specialist in the CSRA
9 department, and looking at this document,
10 does it reflect decisions that would have
11 been made by employees of
12 AmerisourceBergen, including yourself,
13 regarding customer orders?
14 MR. NICHOLAS: Objection.
15 Form and foundation.
16 THE WITNESS: Can you ask
17 that question again?
18 BY MR. CLUFF:
19 Q. Sure.
20 I'm trying to understand
21 what this document is. And I see that
22 it's got your first initial and your last
23 name on it. And that it has a column
24 entitled, Action taken.

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1 And I'm trying to
2 understand, you know, based on the
3 heading, CSRA comments report, and some
4 of the information that's contained in
5 the document, what's reflected in here.
6 And the question is, does
7 this contain a record of customer orders
8 that would have been reviewed by
9 AmerisourceBergen employees, specifically
10 in the CSRA department, to determine
11 whether or not they could be, you know,
12 released or cancelled?
13 A. I believe so, yes.
14 Q. Have you ever seen a report
15 like this before?
16 A. I don't recall this
17 document.
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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[REDACTED]

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1 here on the screen, which you can
2 also see in front of you, because
3 I forgot to bring my magnifying
4 glass for you today.
5 BY MR. CLUFF:
[REDACTED]

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1 [REDACTED]
2 Q. Earlier you testified that
3 if an order was reported to the DEA as
4 suspicious, it was not shipped, correct?
5 A. Yes.
6 Q. So looking back at, I
7 believe it's Number 6, which is 45077.
8 MR. CLUFF: And then blow up
9 that top left corner, again, Zach.
10 MR. NICHOLAS: Can you just
11 hold up while we catch up to you
12 here?
13 MR. CLUFF: Sure. I'm
14 sorry.
15 MR. NICHOLAS: Which
16 document are we in?
17 MR. CLUFF: It's Exhibit
18 Number 6. It's one of the big
19 spreadsheets. And down in the
20 bottom left corner -- bottom right
21 corner, it should have an Exhibit
22 6 tab on it.
23 And then I asked Zach to
24 blow up and highlight the heading

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[REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 Q. All right. Let's -- I want
5 to hand you one more.
6 MR. CLUFF: Zach, this will
7 be Number 43.
8 It's another Excel native
9 spreadsheet that was produced by
10 AmerisourceBergen that we'll treat
11 as confidential. It is
12 ABDC_MDL_00045076, and we'll mark
13 it as Exhibit-8.
14 - - -
15 (Whereupon,
16 AmerisourceBergen-Kreutzer
17 Exhibit-8, ABDC_MDL_00045076, was
18 marked for identification.)
19 - - -
20 MR. CLUFF: Zach, can you
21 blow up the top left corner of
22 that document?
23 BY MR. CLUFF:
24 Q. It says, History report

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1 requested for all Ohio customers from
2 1/1/2007 to 12/31/2012.
3 Do you see that, Mr.
4 Kreutzer?
5 A. Yes, I do.
6 Q. Do you have any
7 understanding about whether this document
8 would reflect all shipments by
9 AmerisourceBergen to customers in Ohio
10 between 2007 and 2012?
11 MR. NICHOLAS: Object to the
12 form. And lack of foundation.
13 THE WITNESS: I don't know.
14 BY MR. CLUFF:
15 Q. You were responsible for
16 reviewing customer orders while you were
17 a diversion control specialist, correct?
18 A. Correct.
19 Q. Just looking at this
20 document, we'll start on the left, it
21 says, Division, DEA, at the top heading.
22 Would that be
23 AmerisourceBergen's DEA number? Or do
24 you know whose that would be?

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1 A. I believe that is
2 AmerisourceBergen's Columbus distribution
3 center's DEA, but I'm not 100 percent
4 certain.
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. Then the next column over is
17 a shipping address, Line 1, that appears
18 to be just a street address for the
19 pharmacy, right?
20 A. Yes.
21 Q. Next column is -- I was
22 reading it without abbreviating it.
23 Do you want me to read the
24 abbreviation so it's clear? Or if I --

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1 A. No.
2 MR. NICHOLAS: In this case,
3 it's okay.
4 BY MR. CLUFF:
5 Q. So the next column over,
6 based on what I'm reading, looks like
7 shipping address, city name?
8 A. Yes.
9 Q. Which would be the city this
10 pharmacy is located in.
11 And then the next column is
12 ship address, state code.
13 Here it looks like it's
14 Ohio, correct?
15 A. Right.
16 Q. Next column over is shipping
17 address, zip 5, probably code again.
18 The zip code the pharmacy is
19 listed in?
20 A. Yes.
21 Q. Customer PO number.
22 Would that stand for
23 purchase order number?
24 A. Yes.

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1 Q. We looked at the DEA -- the
2 reported to DEA spreadsheet, which is
3 Exhibit-6, and we talked about that that
4 column -- that spreadsheet had a column
5 called purchase order number as well,
6 correct?
7 A. Yes.
8 Q. Moving to the right, again,
9 we see customer DEA is the next column,
10 and that would be this pharmacy
11 customer's DEA number, right?
12 A. Correct.
13 Q. The next column over is,
14 Customer chain ID.
15 Do you have any idea about
16 what a customer chain ID number is?
17 A. Since that is a -- appears
18 to be a retail pharmacy chain, Acme, I
19 believe that's the chain ID number
20 associated with this particular customer.
21 Q. Okay. So chain pharmacies
22 had an additional ID aside from their
23 AmerisourceBergen customer ID?
24 A. I don't recall.

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1 Q. Understood.
2 The next column over, it's
3 kind of wrapped over, but it says,
4 Customer DEA TY.
5 Do you know what that stands
6 for? Could it refer to type?
7 A. I believe so, yes.
8 Q. So what would the R1
9 designation refer to?
10 A. I'm not sure. I don't
11 recall.
12 Q. Does it have any relation to
13 retail chains?
14 A. I am not sure.
15 Q. The next column over is,
16 Customer size. And on the first four
17 lines, there is an M and after that, the
18 designation changes to L.
19 Do you know what is
20 identified in that column?
21 A. What the letters stand for?
22 Q. Yes.
23 A. That would be medium and
24 large.

Page 320

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Q. Moving to the right one
21 more, it says, Order date.
22 That would have been just
23 the order -- or the date for this order
24 that we're looking at, right?

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1 A. Yes.
2 Q. And the quantity ordered,
3 how does AmerisourceBergen measure
4 quantities? So I see there at the top it
5 says 49 is the quantity ordered.
6 Does that mean 49 pills were
7 ordered?
8 A. That just seems like an odd
9 number to -- for an order quantity.
10 Usually, they would be in even numbers.
11 Q. But what I'm trying to
12 figure out is, were they ordering 49
13 batches of 100 pills?
14 A. It could be 49 bottles of
15 whatever they're ordering.
16 Q. How many bottles -- how many
17 pills would be in a bottle?
18 A. It varies. It could be 100
19 dosage units. It could be 500. It could
20 be 1,000.
21 Q. I want to go over two -- two
22 columns that say item family and item
23 description.
24 Would these columns tell us

<p style="text-align: right;">Page 322</p> <p>1 what family of drug and the description 2 of what was being ordered? 3 A. Yes. 4 Q. So morphine solid would be a 5 solid form of a morphine pill? 6 A. Yes. 7 Q. And then what would a 8 morphine sulfate be, or morphine SULF? 9 A. That's just the brand name 10 or generic name. 11 Q. Okay. Scrolling over, there 12 is an item schedule column. 13 Under that, it says, C-II? 14 A. Yes. 15 Q. So is that the class of drug 16 that would have been ordered? 17 A. Yes. 18 Q. And the next column over is 19 DC, with a number 10 under it. 20 Can you tell me what that 21 number is? 22 A. That's the Columbus DC 23 number. 24 Q. Okay. The next column over</p>	<p style="text-align: right;">Page 324</p> <p>1 BY MR. CLUFF: 2 Q. If you go to the next 3 column, it says, Release code. 4 And then midway down on the 5 screen, there is an abbreviation, IN. 6 Do you know what that stands 7 for? 8 A. I do not. 9 Q. Could it potentially stand 10 for investigation? 11 MR. NICHOLAS: Object to the 12 form. 13 THE WITNESS: It may, but 14 I'm not sure. 15 BY MR. CLUFF: 16 Q. Scrolling down, do you see 17 that there is an abbreviation, AC? 18 A. Yes. 19 Q. Do you know what that stands 20 for? 21 A. I do not. 22 Q. Could it perhaps stand for 23 approved by a CSRA? 24 MR. NICHOLAS: Same</p>
<p style="text-align: right;">Page 323</p> <p>1 is user ID. If you go five down, it 2 says, AREDFOX. 3 Would that be somebody 4 else's first initial and last name 5 combined, or do you know what that -- 6 what those letters designated? 7 A. I don't know what that 8 designates. I don't know who that is. 9 Q. If you keep moving down that 10 column, there's a field that reads, 11 DRC1213. 12 Do you know what that 13 designates? 14 A. I do not. 15 Q. Did AmerisourceBergen 16 employees such as yourself have IDs that 17 they sometimes used in addition to their 18 names or initials? 19 A. We had user IDs, numbers. 20 Q. So this DRC1213, could that 21 be somebody's user ID? 22 MR. NICHOLAS: Object to the 23 form. 24 THE WITNESS: I'm not sure.</p>	<p style="text-align: right;">Page 325</p> <p>1 objection. 2 THE WITNESS: That's what 3 the comments state. 4 BY MR. CLUFF: 5 Q. So is it reasonable to 6 assume that means approved by CSRA? 7 MR. NICHOLAS: Object to the 8 form. 9 THE WITNESS: For this 10 particular item, yes. 11 BY MR. CLUFF: 12 Q. I want you to look for me 13 again at Exhibit Number 6, which is the 14 first spreadsheet I handed you that is 15 45077. 16 Do you see that? In the 17 middle -- 18 MR. CLUFF: Zach, could you 19 blow up the middle of the document 20 for me where we can see the 21 customer purchase order number 22 through to the item description? 23 BY MR. CLUFF: 24 Q. Starting in the middle of</p>

<p style="text-align: right;">Page 326</p> <p>1 that page, Mr. Kreutzer, do you see where 2 it says -- 3 MR. CLUFF: Can you pull 4 that to -- I need to see the 5 purchase order number, Zach. It's 6 to your left. 7 BY MR. CLUFF: 8 Q. So the purchase order number 9 says, CES112610. 10 Do you see that? 11 A. Yes. 12 Q. And there are four lines 13 there? 14 A. Yes. 15 Q. Okay. Keep that in front of 16 you, just kind of hold it, put your 17 finger on that. And then go back to 18 Exhibit Number 8, and go to Page 7. 19 And at the bottom third of 20 the page, you'll see midway down, in the 21 customer purchase order number column, 22 that CES112610 begins. 23 MR. CLUFF: That's the wrong 24 one, Zach.</p>	<p style="text-align: right;">Page 328</p> <p>1 were looking at in the DEA report, 2 CES112610? 3 A. Yes. 4 Q. If you scroll to the right, 5 to the column that has the release codes 6 in it, if you -- if you look down at the 7 bottom of that order, there is a code 8 that says, AC. 9 Would that mean that this 10 report -- this order was approved for 11 shipment by the CSRA? 12 A. I don't see any information. 13 MR. NICHOLAS: I don't see 14 it either, I'm sorry. 15 MR. CLUFF: Do this for me, 16 Zach, do you see the first 17 CES112610? 18 BY MR. CLUFF: 19 Q. Can you see it now on there, 20 Mr. Kreutzer? 21 A. I'm sorry, what are we 22 looking at? 23 Q. Can you see the highlighted 24 portion --</p>
<p style="text-align: right;">Page 327</p> <p>1 BY MR. CLUFF: 2 Q. Can you see on your page, 3 Mr. Kreutzer -- 4 A. I cannot. I can't read 5 this. 6 Q. That probably makes a lot of 7 us. 8 A. I mean, I can read it on the 9 monitor in front of me. 10 MR. CLUFF: Keep going down, 11 Zach. To the very bottom of your 12 screen right now, Zach. Right 13 there. 14 And then drag it to your 15 left, Zach. 16 BY MR. CLUFF: 17 Q. So do you see the order 18 number there, Mr. Hazewski? 19 MR. NICHOLAS: You mean Mr. 20 Kreutzer? 21 BY MR. CLUFF: 22 Q. I'm sorry. Yes. Mr. 23 Kreutzer. 24 Is that the same number we</p>	<p style="text-align: right;">Page 329</p> <p>1 A. Yes, yes. 2 Q. So if you -- all the way to 3 the left of your screen, you'll see a 4 list of order numbers. And Zach has 5 highlighted one that says 112610 up 6 there. 7 A. Yes. 8 Q. There's also one that 9 precedes that, that's not highlighted 10 yet. 11 But if you travel down that 12 number, you see that the order number 13 remains the same all the way until he 14 gets to the bottom row that's 15 highlighted, correct? 16 A. Correct. 17 Q. And if you drag the 18 highlighted portion all the way over to 19 the end where we have those codes, you'll 20 see that they start out as IN codes and 21 then end as AC codes. 22 MR. MAHADY: Hold on a 23 second. I think you need to 24 take -- do you want the witness</p>

<p style="text-align: right;">Page 330</p> <p>1 to leave so we can talk about 2 this? I don't want to -- 3 MR. CLUFF: Step out for a 4 second, Mr. Kreutzer. Give us -- 5 MR. NICHOLAS: Go out and 6 we'll talk about this so we don't 7 influence your testimony. 8 THE WITNESS: You want me to 9 leave? 10 MR. CLUFF: Just for a 11 minute. 12 VIDEO TECHNICIAN: Off the 13 record at 3:51 p.m. 14 - - - 15 (Whereupon, a brief recess 16 was taken.) 17 - - - 18 VIDEO TECHNICIAN: We're 19 back on the record at 4:11 p.m. 20 MR. CLUFF: Mr. Kreutzer, 21 we're back on the record. 22 But before we start back 23 with you, your lawyers and I 24 discussed some of these</p>	<p style="text-align: right;">Page 332</p> <p>1 marked as Exhibit-6, which is 2 Bates number ABDC_MDL_00045077, 3 along with the documents 4 identified as Exhibits-7 and 8, 5 are not traditionally kept in this 6 format during AmerisourceBergen's 7 regular course of business. 8 And that during the creation 9 of Exhibit-6, there was, I 10 believe, what we have mutually 11 referred to as a data collection 12 error, or a data collection 13 malfunction that resulted in 14 inaccuracies in ABDC_MDL_00045077, 15 specifically that this document 16 may reflect orders being reported 17 to the DEA that were not actually 18 reported to the DEA. 19 We understand, as 20 plaintiffs, that these documents, 21 Exhibits-6, 7 and 8, were 22 reproduced after the data 23 malfunction was discovered and 24 that subsequently produced</p>
<p style="text-align: right;">Page 331</p> <p>1 spreadsheets that we were asking 2 you questions about, and we've 3 come to an understanding about 4 them. So I'm going to do what's 5 called make a record of our 6 discussion. 7 I understand that you have 8 not been privy to any discussions 9 about these spreadsheets, so I'm 10 not going to ask you any questions 11 about discussions you had in the 12 hallway. 13 So during the break, counsel 14 for AmerisourceBergen and I met 15 and conferred about what has 16 previously been identified during 17 this deposition as Exhibits 6, 7 18 and 8. Specifically, I was 19 informed, and this is something 20 that was disclosed during document 21 production, so it was not a 22 surprise, although it was 23 re-uncovered again today during 24 the deposition, that the document</p>	<p style="text-align: right;">Page 333</p> <p>1 versions of these documents 2 contain more correct data. 3 So for the purposes of this 4 deposition, I will no longer be 5 relying on Exhibit-6 for further 6 questioning. We discussed that I 7 do have some limited questions 8 regarding Exhibits-7 and 8, but 9 that the data malfunctions in 10 Exhibit-6 do not pervade 11 Exhibits-7 and 8. 12 And with that, I think I'll 13 turn it over to counsel for 14 AmerisourceBergen to correct me if 15 I'm wrong. 16 MR. MAHADY: That is fine. 17 The only thing I'll add is that 18 the subsequently produced version 19 of Exhibit-6 was limited in scope 20 to Summit and Cuyahoga and not 21 Ohio. 22 MR. CLUFF: Understood. 23 MR. MAHADY: But counsel's 24 representations accurately reflect</p>

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1 our understanding of the issue.
2 And we'll meet and confer with
3 counsel following the deposition.
4 BY MR. CLUFF:
5 Q. So with that understanding,
6 Mr. Kreutzer, we'll pick back up with you
7 and remind you that you're under oath
8 again.
9 I'll turn back to Exhibit-7
10 which is ABDC_MDL_450705.
11 Do you have that in front of
12 you?
13 A. I do.
14 Q. I'd like you to look at this
15 document, because we previously looked at
16 the user ID column, and we noted that
17 your -- the first initial of your first
18 name and your last name are in that
19 column.
20 MR. CLUFF: I'm going to ask
21 Zach to blow up and highlight, so
22 we can all see the headings,
23 starting with customer purchase
24 order number all the way to action

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1 taken.
2 So we're continuing to
3 action taken. Unfortunately,
4 these spreadsheets are rather
5 unwieldy.
6 BY MR. CLUFF:
7 Q. So you can see on the very
8 left, highlighted, we've got purchase
9 order number. And then on the right,
10 we've got action taken.
11 If you see under user ID,
12 it's got your name, K. Kreutzer.
13 I guess I should ask you.
14 Does that reflect that you were the
15 person who would have been taking action
16 on these?
17 MR. NICHOLAS: Are you able
18 to blow these up any more or not?
19 MR. CLUFF: Yeah. Zach, can
20 you try and just blow up the user
21 ID and action taken column so we
22 can see it?
23 BY MR. CLUFF:
24 Q. Do you see that, Mr.

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1 Kreutzer?
2 A. I do, yes.
3 Q. Okay. So in your role as a
4 diversion control specialist, you would
5 have reviewed customer orders that hit
6 OMP, correct?
7 A. Correct.
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 Q. Okay. And if you look at
11 the column that says, Action taken.
12 Under there, we see two -- on the screen
13 in front of you, we see two different
14 entries. One is, Approved for
15 processing.
16 What would you have been
17 referring to if you entered approved for
18 processing as the action taken on an
19 order that hit OMP for review?
20 A. I'm not exactly sure,
21 because I don't remember using -- I don't
22 know if the action taken notes is
23 automatic or we have to enter those notes
24 manually.

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1 This is going back eight
2 years. I don't know other than what
3 information is on the screen here.
4 Q. Were you looking at the
5 heading column, action name, where it
6 says, Auto and manual/auto?
7 A. Yes.
8 Q. Do you have any
9 understanding of what an auto action name
10 would be?
11 A. I do not.
12 Q. And do you have any
13 understanding of what a manual/auto
14 action would be?
15 A. I do not.
16 Q. Okay. Going back to the
17 action taken column, do you see where it
18 says, Closed, notify compliant customer?
19 A. Right.
20 Q. When you compare that to
21 approved for processing, do you know what
22 either of those terms means, approved for
23 processing or closed, notify compliant
24 customer?

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1 A. I do not.
2 Q. Based on your work as a
3 diversion control specialist, could
4 either of those terms mean that this
5 order was approved for shipment?
6 MR. NICHOLAS: Object to the
7 form.
8 But go ahead.
9 THE WITNESS: I can't
10 acknowledge that.
11 BY MR. CLUFF:
12 Q. Okay. But did you have any
13 understanding about what kind of terms
14 you used, pre-2015, to denote an order
15 that was approved for shipment?
16 A. These notes listed here, I
17 don't remember using these notes.
18 Q. Okay. Sure. Can you look
19 at Exhibit Number 8? That's the heavier
20 of the two spreadsheets, or the thicker
21 of the two. It's the one with 45076 at
22 the top.
23 I'm going to have them
24 highlight a portion of this for you, so

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1 you and I can talk about it.
2 The heading on this
3 spreadsheet is, History of all Ohio
4 reports.
5 And during the break, I'll
6 just make one further clarification, it
7 was represented that this document is a
8 complete list of all orders for Ohio that
9 went into OMP review. So I'll make that
10 representation to you, just to kind of
11 clear it up.
12 MR. MAHADY: We'll just add
13 that it's been filtered by
14 plaintiffs.
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 Zach, can you highlight all
20 the way over to where it has the
21 notes in the column after IN?
22 BY MR. CLUFF:
23 Q. So, Mr. Kreutzer, I had our
24 tech here blow up a portion of this

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1 spreadsheet so we can look at it.
2 I will represent to you that
3 at the very left of your screen is the
4 customer purchase order number. You can
5 see that reflected there.
6 And then to the very far
7 right is a heading called, Column 1. And
8 immediately to the left of that, the
9 heading is, Release code.
10 I want to focus on the
11 headings with -- the two columns to the
12 very far right, the release codes and
13 then the comment.
14 So in the middle of your
15 screen on the right, there's a release
16 code that says, AC. We previously talked
17 about this one. And in the comment, it
18 says, Approved by CSRA per Ed
19 Hazewski/Kevin Kreutzer.
20 Reviewing the release code
21 with the comment together, do you have an
22 understanding of what the code AC stands
23 for?
24 A. I do not.

<p style="text-align: right;">Page 342</p> <p>1 Q. Looking at comment 1, it 2 says, Approved by CSRA per Ed 3 Hazewski/Kevin Kreutzer. 4 Do you know if that means 5 this order could have been released for 6 shipment? 7 A. According to the comment 8 section, it says the order was approved. 9 Q. Does that mean it was 10 approved for shipment to the customer? 11 A. I assume so, yes. 12 Q. If you come down into the 13 highlighted -- the big block highlighted 14 portion, to the very far left of your 15 screen, the purchase order number is 16 CES042110. 17 Do you see that? 18 A. Yes. 19 Q. And over to the far right in 20 the comments section, there is a note 21 that is repeated in pairs a number of 22 times. And it says, Retail oxycodone, 23 63.8 percent -- I believe it's a 24 percentage -- over.</p>	<p style="text-align: right;">Page 344</p> <p>1 could be over threshold, but I'm not 2 certain. 3 Q. Okay. Do you have anything 4 else that it would be besides over 5 threshold? 6 A. Not that I can think of. 7 Q. I want to scroll down to the 8 next page and stay with this order 9 number, which is CES042210. Zach is 10 going to -- 11 MR. CLUFF: Blow it up for 12 us real big, Zach. 13 BY MR. CLUFF: 14 Q. So do you see in the top 15 left corner there of the highlighted 16 block there is the customer order number, 17 which is CES042210? 18 A. Yes. 19 Q. That's the same order number 20 we were looking at the previous screen? 21 A. Yes. 22 Q. And if you go over to the 23 far right, there's the release code and 24 the comment 1. The release code is for</p>
<p style="text-align: right;">Page 343</p> <p>1 The quality of the copy is a 2 little bad, I apologize. It's clearer in 3 the printout, if you look at that. 4 Do you see where that is? 5 A. I do. 6 Q. Do you have any 7 understanding, reading this document, 8 what that comment signifies? 9 A. According to the release 10 code, it says IN. So I don't know if 11 that order was approved or rejected. 12 Q. I'm going to get to that 13 question in a second. 14 I'm trying to understand 15 what retail oxycodone 63.89 percent over 16 means. 17 A. It could mean -- it's a 18 retail pharmacy, oxycodone drug family, 19 and the 63.89 percent over. 20 Q. So that would have been -- 21 I'm sorry, I didn't mean to interrupt 22 you. 23 A. I'm assuming that's -- I'm 24 not really sure what that means. It</p>	<p style="text-align: right;">Page 345</p> <p>1 the top -- I can't count how many lines 2 that is, but the release code is AC, and 3 the comment is, Approved per Edward -- or 4 Ed Hazewski. 5 Is that -- 6 A. Yes. 7 Q. Would that mean that this 8 order was approved for processing and 9 shipment to the customer? 10 A. It appears so. 11 Q. What kind of due diligence 12 or investigation would have been 13 conducted before an order like this was 14 approved by Ed Hazewski? 15 A. I don't know. I don't know 16 who actually approved this order. 17 Q. Do you have any reason to 18 believe this was not approved by Ed 19 Hazewski? 20 A. Other than the notes say 21 otherwise. 22 Q. If you look at the order 23 date, it looks like it goes year, month 24 and day, which would be 2010/04/22.</p>

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1 At that point, you had been
2 working as a diversion control specialist
3 for over a year, correct?
4 A. I thought I came in to the
5 company in September of 2009, so
6 approximately, maybe six --
7 Q. Six months?
8 A. -- six months or so.
9 Q. During the six months prior
10 to this order that we're looking at, had
11 you had experience investigating orders
12 that went into OMP for review?
13 A. Yes.

[REDACTED]

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[REDACTED]

Page 348

[REDACTED]

9 MR. NICHOLAS: Object to the
10 form.
11 THE WITNESS: Yes.
12 BY MR. CLUFF:
13 Q. Was there a policy or
14 procedure document that described to you
15 what a detailed investigation included?
16 A. I don't recall that
17 document.

[REDACTED]

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[REDACTED]

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1 ■ ■ ■

2 Q. So, then, this note in the

3 comments, Approved per Ed Hazewski, is

4 that an example of documentation of a

5 detailed investigation?

6 A. I don't know.

7 Q. This is one of the areas --

8 I'm sorry, I didn't mean to interrupt

9 you.

10 A. I don't know. There may be

11 other documentation elsewhere that I'm

12 not aware of.

13 Q. But this is one area where

14 you said detailed documentation would

15 exist?

16 A. It could, yes.

17 Q. And you said also it might

18 be in Lawtrac?

19 A. Yes.

20 Q. So if a customer's order

21 hit -- or went into OMP for review and

22 there was a detailed investigation

23 carried out about that order, that would

24 be in Lawtrac, right?

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1 A. It could be, yes.

2 Q. Would there be documentation

3 associated with that review?

4 A. Like I said, it all depends

5 on the review, yes.

6 Q. Were there ever any e-mails

7 generated that documented the findings of

8 these detailed investigations about OMP

9 review?

10 MR. NICHOLAS: Object to the

11 form.

12 THE WITNESS: I don't know.

13 BY MR. CLUFF:

14 Q. Do you recall receiving

15 e-mails from an e-mail address

16 ABC-notification@AmerisourceBergen

17 regarding orders in OMP review?

18 A. No, I don't recall.

19 Q. You previously testified

20 there were a couple of places where

21 documentation about investigations like

22 this could be stored.

23 But was there a standard

24 place where it would have been stored?

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1 MR. NICHOLAS: Object to the

2 form.

3 THE WITNESS: At that time,

4 I believe it would be either

5 Lawtrac or the system itself.

6 BY MR. CLUFF:

7 Q. "The system itself" would

8 be?

9 A. This system that we see in

10 front of us.

11 Q. The system that generated

12 the spreadsheet?

13 A. Yeah, this -- yeah, exactly.

14 Q. And it would have been

15 recorded in this comments field?

16 A. Yes.

17 MR. NICHOLAS: Object to the

18 form.

19 Go ahead.

20 BY MR. CLUFF:

21 Q. And just so I understand,

22 the system that you're referring to, you

23 didn't enter into an Excel spreadsheet

24 and manually make these notes, right?

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1 A. Not into a spreadsheet, no.

2 Q. You would have been working

3 with sort of a computer program that had

4 fields for you to work in?

5 A. I'm not sure I follow you.

6 Q. Like, when you order

7 something online, there are fields for

8 you to enter information into, like your

9 name and your address and your credit

10 card number?

11 A. Yes.

12 Q. So did you work with a

13 computer program that had fields similar

14 to that for you to put information into

15 when you were investigating an order?

16 A. In that system that we used

17 in 2010, I believe there was a note

18 section where we could have put notes in.

19 MR. CLUFF: Let's take a

20 break. I think I have maybe one

21 more topic that I want to cover,

22 but then we'll probably wrap up.

23 I know people have flights they

24 want to catch, down at the end of

Page 358

1 A. Yes.

2 Q. What was -- what was the

3 high-risk category? How did

4 AmerisourceBergen define high risk?

5 MR. NICHOLAS: Object to the

6 form.

7 Go ahead.

8 THE WITNESS: I believe just

9 as the explanation that I

10 provided, drug families that are

11 prone to diversion.

12 BY MR. CLUFF:

13 Q. And so Schedule IIs had a

14 high risk for diversion.

15 But if I understand it

16 correctly, you testified that at some

17 points in time AmerisourceBergen

18 categorized Schedule IIs as medium risk;

19 is that right?

20 A. I don't believe that. What

21 my explanation is, is that we've always

22 had drug families that are in a high-risk

23 category. And we -- as well as medium

24 and low.

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1 But over time and in review

2 with management and our pharmacist on

3 staff, we determined that some risks may

4 be -- needed to be switched from medium

5 to high, for instance.

6 Q. I understand that. Thank

7 you.

8 So I guess my question is

9 maybe a little bit more specific.

10 If Schedule II drugs have

11 been determined by the DEA to have a high

12 risk of diversion, has AmerisourceBergen

13 always categorized Schedule II drugs as a

14 high-risk drug family, or have they ever

15 been categorized as medium risk?

16 MR. NICHOLAS: Object to the

17 form.

18 THE WITNESS: I don't recall

19 them ever being medium risk.

20 BY MR. CLUFF:

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. I'll hand you another

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1 document. We're going to mark this as

2 Exhibit 9. This is ABDC_MDL_00047572.

3 - - -

4 (Whereupon,

5 AmerisourceBergen-Kreutzer

6 Exhibit-9, ABDC_MDL_00047572, was

7 marked for identification.)

8 - - -

9 BY MR. CLUFF:

10 Q. There were some Excel

11 spreadsheets attached to that document.

12 I elected not to include them and save

13 the paper. I just have a couple quick

14 questions on this, Mr. Kreutzer.

15 MR. NICHOLAS: Just give him

16 a moment.

17 BY MR. CLUFF:

18 Q. Sure. I'll just let you

19 know my questions are going to be about

20 the first paragraph. So if you want to

21 focus your analysis there, that would

22 help.

23 MR. NICHOLAS: Read the

24 whole document anyway.

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1 MR. CLUFF: Do you want to
2 go home or not, Bob? We'll be
3 here all night reading documents.

4 MR. NICHOLAS: I think
5 reading seven more lines is not
6 going to make the difference
7 between going home tonight or not.

8 MR. CLUFF: Bob, I respect
9 you, but I'll respectfully
10 disagree.

11 THE WITNESS: Okay.

12 BY MR. CLUFF:

13 Q. So looking at this first
14 paragraph -- well, actually, let's do
15 this.

16 So from the -- in the top of
17 the e-mail, you see there's a "from"
18 line. It's from unknown. Do you have
19 any idea who this kind of e-mail would
20 come from?

21 A. I've never seen that before.

22 Q. Well, first time for
23 everything for all of us, I guess.

24 In the "to" category, you

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¹ see there are a number of individuals,
² one of whom is yourself, right?

3 A. Yes.

4 Q. And then you see the subject
5 is, Discussion-report review, weekly OMP
6 field report performance.

7 A. Yes.

8 Q. Was your department having
9 weekly meetings regarding the OMP
10 performance of distribution centers?

11 A. We were.

Q. And were you also discussing
performance of, like, CSRA individuals,
as far as OMP review goes?

15 A. I believe this particular
16 e-mail is pertaining to the DC
17 associates.

18 Q. Understood.

Government	Percentage
Current government	85%
Previous government	15%

Page 366

[REDACTED]

Page 368

[REDACTED]

19 Q. Let's hand you the next
20 document. This is going to be marked as
21 Number 10.
22 - - -
23 (Whereupon,
24 AmerisourceBergen-Kreutzer

Page 367

[REDACTED]

Page 369

1 Exhibit-10, ABDC_MDL_00151471-472,
2 was marked for identification.)
3 - - -
4 MR. CLUFF: It is
5 ABDC_MDL_00151471. It's a
6 two-page document ending in
7 151472.
8 THE WITNESS: Okay.
9 BY MR. CLUFF:
10 Q. At the top, this is an
11 e-mail from Eric Cherveny to Greg
12 Hamilton, with a cc to you.
13 Do you know who Greg
14 Hamilton was?
15 A. Greg Hamilton is the CSRA
16 distribution center manager for Columbus.

[REDACTED]

Page 370

[REDACTED]

Page 372

[REDACTED]

Page 371

[REDACTED]

Page 373

[REDACTED]

Page 378

[REDACTED]

Page 380

[REDACTED]

Page 379

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Page 381

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Page 382

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Page 384

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Page 383

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Page 385

[REDACTED]

Page 386

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

13 Q. What's a listed chemical?

14 A. A listed chemical is

15 pseudoephedrine products.

16 Q. How do you abbreviate that

17 term?

18 A. Listed chemical? LC.

19 Q. Did AmerisourceBergen have

20 different policies and procedures for

21 suspicious orders for listed chemicals

22 than they did for, for example, like

23 opioids or controlled substances?

24 A. I don't recall.

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1 MR. CLUFF: Why don't we

2 mutually take a break. You guys

3 can go see if you have any further

4 questions. I'll confer with Will.

5 And we'll come back in five

6 minutes.

7 VIDEO TECHNICIAN: Off the

8 record at 5:11 p.m.

9 - - -

10 (Whereupon, a brief recess

11 was taken.)

12 - - -

13 VIDEO TECHNICIAN: We're

14 back on the record at 5:19 p.m.

15 BY MR. CLUFF:

16 Q. Mr. Kreutzer, we're back on

17 the record for the last few questions

18 that I have for you, and then I'll turn

19 it over to your counsel to talk.

20 I want to hand you -- excuse

21 me. I'm going to hand you a copy of a

22 document that was produced by

23 AmerisourceBergen. It's

24 ABDC_MDL_00168122, which is an e-mail

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1 that contains a number of attachments.

2 I've included one attachment with the

3 document that begins at ABDC_MDL_00168127

4 and goes to 168134. I'll hand you this

5 one.

6 - - -

7 (Whereupon,

8 AmerisourceBergen-Kreutzer

9 Exhibit-12, ABDC_MDL_00168122 and

10 ABDC_MDL_00168127-134, was marked

11 for identification.)

12 - - -

13 BY MR. CLUFF:

14 Q. I'm not going to ask you any

15 detailed questions about this document at

16 all. I'd like you to just look at it.

17 You do not appear to have

18 received this document. But we have

19 discussed today, at length, Lawtrac

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

24 Do you see that?

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1 A. Give me a second.

2 MR. NICHOLAS: I don't see

3 that. Where --

4 MR. CLUFF: The cover page,

5 the e-mail, the attachments.

6 MR. NICHOLAS: Where it says

7 attachments, okay. Sorry.

8 MR. CLUFF: I misspoke.

9 BY MR. CLUFF:

10 Q. I was just trying to

11 indicate that this e-mail contained

12 Lawtrac matter texts as attachments.

13 And then if you'll flip to

14 the next page, which has

15 ABDC_MDL_00168127, if you look at the top

16 of the page in the middle of the

17 document, there is some text that says,

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

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1 the document was produced to me.
2 And I'm just trying to
3 figure out where you would click in this
4 document that is a reflection of a
5 computer program to get to the documents?
6 A. There would be documents
7 posted here that you would be able to
8 click on.
9 Q. When you're saying "here,"
10 can you tell me what page you're looking
11 at?
12 A. I would -- I believe it
13 would be under the linked matters.
14 Q. What page is that?
15 A. Page 2 of 3.
16 Q. I'm sorry?
17 A. 168128.
18 Q. Okay. So in the middle of
19 the page?
20 A. It would be in,
21 approximately, that field.
22 Q. And is there anywhere else
23 in this Lawtrac file where you would have
24 been able to access records from?

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1 A. No. It would likely be in
2 this file.
3 Q. Okay. Go to
4 ABDC_MDL_00168129. In the middle of the
5 page, there is a date, 06/09/14. It
6 says, Status. Then, Update, 06/09/14,
7 source name, in-house staff, Kevin
8 Kreutzer.
9 Do you see that?
10 A. I do.
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Q. Would there have been
21 documentation attached to this?
22 A. Yes, there would be.
23 Q. So that's the last sentence
24 of that paragraph, it says, Form 590 and

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1 photos are attached?
2 A. Correct.
3 MR. CLUFF: That's all I
4 have.
5 That's all I've got, just in
6 case you guys didn't hear me.
7 MR. NICHOLAS: I have no
8 questions.
9 VIDEO TECHNICIAN: This
10 concludes today's deposition. The
11 time is 5:28 p.m. We are off the
12 record.
13 - - -
14 (Whereupon, the deposition
15 concluded at 5:28 p.m.)
16 - - -
17
18
19
20
21
22
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24

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1 CERTIFICATE
2
3
4 I HEREBY CERTIFY that the
5 witness was duly sworn by me and that the
6 deposition is a true record of the
7 testimony given by the witness.
8
9
10
11 Amanda Maslynsky-Miller
12 Certified Realtime Reporter
13 Dated: November 28, 2018
14
15
16
17 (The foregoing certification
18 of this transcript does not apply to any
19 reproduction of the same by any means,
20 unless under the direct control and/or
21 supervision of the certifying reporter.)
22
23
24

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

E R R A T A

PAGE LINE CHANGE/REASON

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby certify that I have read the foregoing pages, 1 - 396, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

KEVIN KREUTZER _____ DATE _____

Subscribed and sworn to before me this

_____ day of _____, 20____.

My commission expires: _____

Notary Public _____

LAWYER'S NOTES

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